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BY

WILLIAM HUMPHREY, S.J.

SECOND EDITION

REVISED AND ENLARGED

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THOMAS BAKER

NEW YORK
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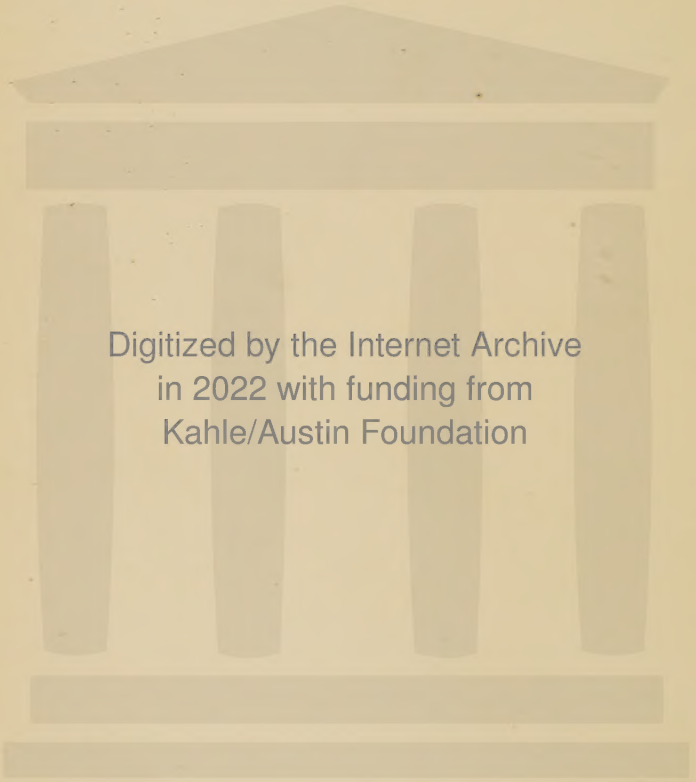
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Preface to the First Edition

In 1884 I published in three volumes, under the title of "The Religious State," a Digest of the doctrine of Suarez in his treatise, "De Statu Religionis."

That work was, on account of the length of it, somewhat expensive. The present volume contains the marrow of the larger work, and is published at a price which places it within the reach of all whom the subject concerns.

WILLIAM HUMPHREY, S.J.

114 Mount Street,
London, W., *Lent*, 1895.

Preface

SINCE the date of the first edition of this work there has been published a *guide canonique pour les Constitutions des Sœurs à vœux simples*. This is by Mgr. Albert Battandier, a Protonotary Apostolic, who has been for nearly twenty years a Consultor of the Sacred Congregation of Bishops and Regulars. The first edition appeared in 1898 and the second edition in 1900. It is therefore of high doctrinal value.

A still more authoritative document was published in 1901. This was *Normæ secundum quas S. Congr. Episcoporum et Regularium procedere solet in approbandis novis Institutis votorum simplicium.*

Both works have been of much service to me in compiling the chapter which I have added to this edition—On Congregations of Sisters under *simple* vows.

The modern Institutes which have sprung up in England, Scotland, Ireland, and the United States of America have indeed been erected under the Sacred Congregation de Propagandâ Fide, which has jurisdiction in missionary countries.

Propaganda, however, in its procedure in this matter, follows generally on the lines laid down by the Sacred Congregation of Bishops and Regulars.

WILLIAM HUMPHREY, S.J.

ST BEUNO'S.

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Elements of Religious Life

CHAPTER I

THE STATE OF PERFECTION

THE word *State* takes its meaning from *stability*. When applied to a rational being, a state always implies two things — (1) perfection in some condition of life, or manner of living; and (2) stability therein.

In every state there must exist some bond of obligation to continue in a particular condition of life; in order to give to that condition of life the stability which is of the idea of a *state*.

This obligation must, moreover, proceed from a permanent cause, or a cause which, at least, cannot easily be removed. *Possibility* of change is not contrary to the idea of a state. That idea does not demand a bond which is necessarily and absolutely or physically indissoluble. It is satisfied by a bond or cause of obligation which is morally fixed and permanent.

All states of life among mortal men may be reduced to the two general states of freedom and of bondage.

The stability of the state of *freedom* arises from natural law; since man is created naturally free. This natural freedom it is not so easy to undo. This difficulty of undoing suffices for the idea of a *state*; although by the will of the free man himself, or as a just punishment, his freedom may be taken away.

The *state of a religious*, or *regular*, is a state of *bondage*, inasmuch as it induces a subjection and obligation which has a permanent cause. The *state of a secular* is a state of *freedom*; of freedom, namely, from the religious yoke and obligation. It has a stable and permanent cause of freedom in the natural right of freedom, so long as the free man has not voluntarily subjected himself to the religious yoke.

The *secular* state is divided into the *clerical* state, and the state of *laymen*.

The clerical state is a state of *bondage*, inasmuch as in it a man is specially dedicated and consecrated to divine ministries. This consecration is commenced by means of a sacramental; namely, by the first tonsure, which is permanent, in so far as it cannot be reiterated. It is gradually brought to its perfection by means of an immutable sacrament which imprints an indelible character.

The state of laymen is a natural state of *freedom* from clerical obligations.

The state of wedlock is a state of *bondage*, which is rooted in a permanent cause.

The *state of Christian life* is the state of men who are members of one mystical body, or spiritual and supernatural commonwealth, the members of which are united one with another by one common faith, by profession of this faith, and by sacraments, under one Head, and are ordained towards the attainment of eternal life in everlasting blessedness by fitting and sufficient means.

In this state of Christian life there is great stability. Its stability springs, in the first place, from the stability of the Church of Christ; secondly, from the obligation of permanence in it which is induced by baptism; and thirdly, from the unchangeableness of the faith, and the aids to perseverance which the state supplies.

2

The state of Christian life is divided into the state of *common life*, and the state of *perfection*. Christian life comprehends a state which is general and common to all the faithful, inasmuch as it is necessary for the salvation of every one of them—and another state which is more special, supplying, as it does, besides the necessary means of salvation, many more.

In Christian life perfection has to be considered, as it is twofold. There is a perfection which is *essential* to Christian life. This perfection consists in the life of grace and charity. In order to at least this essential perfection the Christian profession is ordained. This profession brings within reach of all who embrace it the necessary and sufficient means of essential perfection. It is called the state of *common life*, not as if in that life men may not do works of supererogation, and increase in spiritual perfection as much as they please, but inasmuch as this state of life does not of itself *bind* them to such works or increase—it does not afford *special* means—and in it those works have no *special* principle of *stability*.

Man's perfection consists in union with his Maker, and it is charity which unites men to God. Perfection of Christian life consisting principally in charity, the *state* of perfection is principally ordained in order to the attainment of perfection of charity. Charity is said to suffice for perfection, not as excluding other virtues, but inasmuch as these necessarily accompany it, and rest upon it, and so contribute towards perfection. Perfection of Christian life includes, therefore, not only perfection of charity, but perfection of other virtues also, charity being the end and crown, or complement of perfection of all other virtues.

Charity has regard immediately to God. Towards God charity tends as towards its last end. All works, therefore, of other virtues are related by charity to this last end. Charity gives to exercises of other virtues

their life, and their efficacy for merit, and the completeness of their perfection. Charity is the one perfection and form which constitutes all other virtues in the state of perfection. Charity gives to other virtues not only completeness and perfection in order to their last end, and their power of meriting, but it gives to them also stability. It supplies to other virtues a force which will be efficacious to resist all that which is contrary to them, along with an ease and pleasure in the practice of them. Virtues other than charity contribute towards perfection as they are themselves *instruments* of charity. To charity, as it is *essential* perfection, these virtues add an *accidental* perfection.

Faith and hope are materially necessary to perfection in this mortal life. They are not, however, necessary in themselves. They are necessary only by reason of the present imperfection of mortal men who are as yet in the state of the way. Hence it is not so much for faith and hope in themselves, as it is for the sake of charity that they are required. In this sense charity alone is to be esteemed the queen and essence of perfection. Faith and hope are, nevertheless, to be regarded as wedded to charity, and as bound up therewith by a straiter bond and necessity than are other virtues. Perfection of faith and hope, therefore, is not so much an accidental as it is an essential perfection. It closely approaches the *essential*, and it in a manner belongs to its integrity. Faith is the foundation, and hope is the support of charity.

3

A love of God which should be a love of *infinite* perfection, and *adequate* to the divine lovableness, is absolutely impossible to any mere creature.

A perfection of love such as should demand perpetuity and unchangeableness in *actual* love without any intermission—and such as should include a purity of heart which is incompatible with any venial fault, or with the smallest defect or difficulty in doing the will of God—

belongs only to the Blessed. To those who are still in the state of the way, this perfection is—so far as the ordinary law of spiritual life is concerned, and apart from special privilege—impossible.

The *essential* perfection of charity consists in this, that God is loved for Himself with the whole heart and mind, or *appreciatively* above all things. God is really loved in this way by every man who possesses *habitual* charity, and who is therefore in the state of sanctifying grace. If, besides this habitual charity, a man's charity is also *actual*, this actual charity adds a perfection to the habit of charity. This perfection of *actual* charity lies, therefore, outside the *essence* of charity.

Charity may be either remiss or intense. When charity is *intense*, its intensity is a perfection which intrinsically increases charity beyond that which the mere existence of charity *essentially* demands.

Charity may also be more or less *extensive* as regards its object. Charity is more extensive when a man not only loves God, but loves his neighbour also for the sake of God. A man may so love God above all things as to have a steady purpose never grievously to offend God, and never to turn away from God for the sake of any cause or creature. This man, however, loves God with a greater limitation of love, and with less extension of heart than does the man who so loves God as for God's sake to have the purpose to avoid the very smallest offence of God.

A still more universal love of God will be the love of the man who resolves not only to keep all God's commandments, and to avoid all, even the smallest sins, but also to follow the divine counsels, and to take those means which lead to perfection of charity.

4

The perfection of charity, which is aimed at by the *state* of perfection, consists in a habitual state, in which a man is so disposed that he positively has power

promptly, and without hindrance from himself, both to *elicit* and to *command* from himself acts of charity. He may possess this power, even if no act of charity should happen, as matter of fact, to be elicited.

This is the scope of the *state* of perfection, as that state is a *way towards* perfection, or as it is a manner of life which is adapted for the attaining of perfection. A man tends, by means of this *state*, not towards any one particular act, or even towards continuous operation, but towards acquiring of virtues, and towards bridling of the affections, and towards removal of all hindrances, so that he may at length arrive at that permanent and stable disposition in which he, as it were *connaturally*, should at some times make an act of the love of God, and should at other times make other acts of virtue, and always, so far as the frailty of mortal life will allow, avoid the very smallest sins. This disposition and state of a man, when it exists as a permanent habit, is—perfection of Christian life.

There is no definite intensity of habitual charity which is necessary in order to this perfection. Intensity itself will not suffice, although, all else being equal, it very much contributes thereto.

It might happen that a man was in the state of grace, and that he had a habit of charity which was very intense, and yet that man had not his passions mortified, and did not frequently, and still less ordinarily, do heroic or perfect acts of virtue, and even, and that very often, sinned venially. Such a man no one could say was *perfect*, or that he had attained to *perfection* of charity.

It might happen, on the other hand, that a man whose charity was less intense had his affections so moderated and under control that he should ordinarily and easily avoid all venial sins, and constantly exercise himself in virtues. Such a man would be in *the state of the perfect*.

There are many men who have really in them the fear of God so as to avoid all mortal sins, and thus to live

in the state of grace, and who do the common works of virtue, such as prayer, almsgiving, fasting and the like, and who frequently receive the sacraments, and even say Mass daily, and nevertheless, although short of grievous offence of God, they live delicately, speak freely, or idly, or impatiently, or conduct themselves with similar defects, and are imperfect in their practice of works of supererogation. In such men there may exist a very intense habitual charity. Their habitual grace has been the result of a lengthened exercise of certain good and meritorious works, or—and chiefly *ex opere operato*—has flowed from frequent and long-continued use of sacraments. These men, nevertheless, cannot be regarded as men who are labouring after perfection, nor are they perfect.

There are men, on the other hand, who within a shorter time, and without so assiduous a frequentation of the sacraments, but with greater diligence, have moderated their passions, have avoided any frequency of venial sins and other hindrances to progress in virtue, and have set themselves free from occasions of imperfection. These men have raised themselves to the *state of the perfect*, although without so great an *intensive* increase of charity. There is no certainly fixed degree, therefore, of intensity of grace and charity which is necessary and which suffices in order to this kind of perfection.

It follows that it may sometimes happen that a man who had once arrived at the degree of the *perfect* should fall therefrom. He might even become absolutely imperfect, without having sinned mortally. Even in his imperfection that man would still retain the same amount of grace; since grace cannot possibly be lost apart from mortal sin, nor is grace diminished by venial sins, or by imperfect works. In order to fall from the state of the perfect it may suffice that there should be voluntary

frequency of venial sins, with too great indulgence of the affections and following of natural desires, along with remissness or omission of perfect acts of virtue.

It follows also that one man may be more holy before God than is another man who is more perfect; and consequently that a man who is *less perfect* in this life, may through his greater amount of grace, attain to greater glory in the life that is to come.

5.

Perfection and the *state of perfection* are two distinct things. A man may be *perfect* who has never been constituted in the *state* of perfection. A man who is living in the *state* of perfection may, on the other hand, not be *perfect*. He may even possibly be living in the state of sin. All religious are in the *state* of perfection; but all religious are not *perfect*. Many secular and married men and women may be *perfect*; and nevertheless these are not constituted in the *state* of perfection.

Although the *state* of perfection is most excellently adapted for the acquiring of perfection, that state is nevertheless not a *necessary* means in order to the existence of perfection. Outside the state of perfection a man has it in his power to arrive at perfection. It is possible for him to do works of counsel spontaneously, and apart from any obligation, such as is that to which his voluntary entrance on a *state* of perfection would bind him.

The *state* of perfection, when compared with *perfection* itself, is as a means towards an end. It may be described as—a profession of life, or a manner of living, which is stable; and which has been instituted either for the *acquiring*, or the *exercising* of a man's own individual perfection in Christian life.

There are five conditions which are required in order to the existence of the state of perfection.

1. The manner of living must be external and

visible. It must consequently be embraced by means of an external act and profession. This is necessary, since this state has relation not only to the invisible God, but to God's visible Church. A man may bind himself by an internal vow to some special manner of living, for the sake of his own spiritual good, and for the greater service of God, and he may attain to perfection, but that will not suffice to constitute such a state as will be an *ecclesiastical* state. His state of life will not be a state of perfection before God's *visible* Church.

2. The manner of living which is professed must have added to it an obligation or bond of permanence. This follows from the general idea of a *state*. A mere *purpose* for the future is not sufficient as a source of stability. Such a purpose may be changed, without either fault or liability to punishment; and such a purpose is not confirmed by intervention of any law, either divine or human.

3. The obligation to this manner of living must be undertaken with some solemnity. There must be such solemnity as is necessary among men for the establishment of an obligation.

4. The state must be instituted for the doing of works of perfection.

5. Lastly, the actions which belong to a state of perfection must be external. The perfection towards which the state is ordained should be in proportion with the state itself, and that state is external and visible.

It does not follow that the state is ordained in order to external actions only, and not to internal actions, except in so far as these are necessary in order to external actions. The state is ordained also in order to even such internal acts as are completed within the mind alone.

6

The distinction of *counsels* from *precepts* rests on faith so certain, and is so expressly set forth in the Sacred Scriptures, and in the tradition of the Church

of God, that it cannot be denied without manifest heresy. It is of the idea of a *counsel*—as a counsel is distinguished from a *precept*—that it should concern a work which is *not prescribed*. It is not true, however, that every good work which is not prescribed is a work of counsel. In order that a work should be *of counsel*, it must be a work which is better than is a work which is opposed to it, or which is incompatible with it. To marry is not prescribed, and nevertheless to marry is not of counsel, although to marry is in itself good. Not to marry is not prescribed, and nevertheless not to marry is better than to marry; and, as better than the *merely good* deed of marrying, is of counsel.

Two conditions suffice to the idea of a counsel, as a counsel is distinguished from a precept. These are, that the work counselled should not be prescribed—and that the work counselled should be not merely a good work; but a work which is better than is a work which is merely good. Any other conditions besides these two are either accidental to the existence of a counsel, or they are contained in these conditions.

Counsels are divided into general counsels and particular counsels. A *general* or *universal* counsel is so called, not as if it did not concern particular and determinate matter—for this it must do, since all actions are single and individual—but because it is not for its own sake alone that the counsel is given. It is given for the sake of its usefulness in order to the practice of other virtues, and especially in order to attaining to perfection of charity. A *particular* counsel is so called because it is given with regard to a certain work for the sole sake of the goodness of that particular work.

General counsels are three in number—the counsel of poverty, the counsel of chastity, and the counsel of obedience. Every one of these counsels is an aid in

the exercise of all kinds of virtues. These counsels lend freedom to the soul from solicitude and anxieties which might lead men into danger of committing sin, and which hinder a man from giving himself wholly up to God. When these three counsels united are embraced, they sufficiently effect this freedom of soul.

To these general counsels, which are only *three* in number, if we regard the *matter* of them, may be added a fourth counsel, by reason of a *mode* in which these three counsels may be followed. It is of counsel to confirm these counsels *by vow*. To preserve virginity, even when virginity is embraced without a vow, is a counsel. To confirm the preservation of virginity by vow is a fresh counsel. The same is true with regard to the other general counsels. Since, however, this counsel of a vow may extend itself to the matter of all virtues—and since this counsel is, as it were, reflected upon the other counsels, and is made one with each of these—and since also this counsel in a manner *transforms* the counsel which it concerns into a *precept*, and makes that to be henceforward *of necessity* which formerly was free—the counsel of a vow is not usually enumerated among the general counsels, as distinct from them. It is reckoned as comprehended under them.

Those three counsels have therefore the name of Evangelical Counsels, or—the Counsels of Perfection, or simply—the Counsels.

Particular counsels may concern the matter of every virtue. Even as regards works of precept in any virtue, there may be particular counsels of the same works under certain circumstances. Those works may be of counsel by reason of a circumstance of *time*. That which is of precept at certain times may be done freely and of counsel at other times. Thus, to hear Mass, or to fast on days which are not days of obligation, is of counsel. The love

of enemies, which is of precept, is said to be of counsel when it extends to the bestowal of benefits and other signs of benevolence on an enemy at a time when these are not demanded *by precept as due*. Another circumstance of a work is that of *quantity*. A man who is bound by the precept of almsgiving, does a work of counsel when he gives larger alms than he is bound by precept to give. A third circumstance of a work is that of *mode*, or the manner in which it is done. A man may of counsel do a work more fervently, or for a higher end than that by which he is bound by precept to do that work.

Counsels may also concern not only works of virtue, but avoidances of evil. The counsel does not regard the *not doing* of evil, since that is always under precept; but it may regard *means* which are taken for avoidance of the evil.

That which is purely a counsel—or a counsel simply as such—induces no obligation under pain of any even venial sin. Works of counsel are spontaneous and free.

An external counsel of God—or a counsel which is externally proposed by God to men—indicates simply a dictate of the Divine *Intelligence* judging and approving something as better adapted than that which is merely well and sufficiently adapted for the obtaining of eternal life; or as adapted for the more easily and the more perfectly obtaining of that life. It signifies what we ought to *think of* the special means of salvation which is counselled. To think otherwise would be an injury to the Divine Intelligence. Of this those would be guilty who should think wrongly of the Counsels.

For a man not to will to follow a particular counsel, not because he does not reckon it to be the best course to follow it, but because his will is for other reasons not inclined towards following it, is, on the other hand, not an injury to the Divine Majesty.

We may distinguish in God a twofold will—one will which is *absolute*, and which may be represented by the words *I will*—and another will which is *relative*, and which we may represent by the words *I would*. A counsel does not in itself indicate in God such a will as should induce obligation. It indicates at most a simple affection and complacency in that which is better than its opposite which is merely good.

It is certain that Christian *perfection* cannot be attained without observance of counsels, over and above observance of the precepts. In speaking of counsels, however, we do not here restrict our meaning to the three principal counsels, but include even every better way of observing the precepts beyond that which in rigour a precept of itself demands.

Christian *perfection*—as it is distinguished from the *state* of perfection—demands observance of the precepts more principally than it demands observance of the counsels. That which is of the essence of a thing is more principal than are the accidents of that thing. Observance of the precepts is of the *essence* of Christian perfection, while observance of the counsels is an accidental perfection. That is *accidental* which cannot exist without the *essential*. Apart from, and without the perfection of the counsels, there may exist *essential* perfection of charity.

The state of perfection is ordained in order to perfection of both precepts and counsels together. Of the two, however, the state of perfection has regard more principally to the precepts than to the counsels. Observance of the precepts is more necessary. It is also the foundation of observance of the counsels.

Hence the state of perfection embraces observance of all and every one of the precepts. It does not embrace *all* counsels. It embraces those counsels only which are

necessary as means towards the end of perfection, in accordance with the circumstances and conditions of particular Institutes. The counsels are observed for the sake of the precepts. The counsels, as it were, surround and protect the precepts.

The *state* of perfection is, nevertheless, in itself constituted by profession of the *counsels*. The *essence* of the state of perfection, therefore, consists in the counsels rather than in the precepts. This is manifest, inasmuch as the *state* of perfection itself is not of precept, but of counsel.

The act of *profession* of the counsels suffices to constitute the *state* of perfection without observance of the precepts. A man may be in the *state* of perfection, and, nevertheless, that man may not be perfect.

7

The obligation of the state of perfection is not induced without the consent of the man who embraces that state. An obligation of this kind must be either induced or imposed by some act, since it is in itself neither natural nor necessary. A man is neither naturally born, nor is he supernaturally born again by baptism, into the *state* of perfection. The obligation of the state of perfection is not *imposed*, since the state itself is not of precept. The obligation of this state, therefore, if it is to exist, must be induced by a man's own consent and deliberate act.

In the state of perfection there are three degrees. There is the degree or grade of "beginners"—the degree of "those who are making progress"—and the degree of those who are "perfect."

The charity of a *beginner* is that charity which is not only hindered from easy and pleasurable operation by occasion of concupiscences and other as yet unmortified passions, but is imperilled by them.

This state is called the state of *conflict*, or the state

of the *purgative way*. In that state a man's principal care is to resist concupiscences and to mortify his passions, while he is at the same time nourishing and fostering charity itself.

The second degree of charity, or the charity of a man who is in the class of those who are "making progress," begins when his passions have been calmed, so that the conflict with concupiscence, especially in view of any grievous fall, is no longer his first care. He can now promptly and with ease give himself to works of virtue, and to increase of charity.

This state is called the state of the *illuminative way*. In it the mind is more and more enlightened in order to the doing of works of virtue.

The third degree of charity, or the charity of the *perfect*, begins when the passions have been so conquered, and when the soul has been so habituated to works of virtue, that it can promptly and pleasurably exercise itself in the proper and most perfect exercise of charity, which is—the love of God.

This is the state which is called the state of the *unitive way*. By love of God the soul is united to God.

Those three states are not distinguished one from the other as if each of them was complete in itself, or as if in the first and second a man was to rest satisfied. In the third, moreover, a man has not so arrived at the goal of increase, that there may be no further progress.

8

The state of perfection is divided into the "state of perfection *to be acquired*," and the "state of perfection *to be exercised*."

Bishops are in the state of perfection, by reason of their episcopal dignity; and nevertheless Bishops are not in the "state of perfection *to be acquired*." Between this state and the "state of perfection *to be exercised*"

there is no middle or third state; as there is no middle or third state between the state of a teacher and the state of his disciple. While Bishops stand in need of personal perfection, they nevertheless do not receive any *special* means of *acquiring* it in virtue of their state. They have, in virtue of their state, those means only by which they *exercise* perfection for the benefit of others.

The distinction between the two states is real and adequate; as is the distinction between a thing to be *done* and a thing to be *received*, or between a man's *acquiring* a thing for himself, and his *communicating* that thing to others.

A man may exercise himself in works of perfection, although he himself is not perfect. A man may persuade another man to be chaste, while he himself is not chaste. A man may induce another man to practise poverty, although he himself does not even profess poverty.

The stability which is required in order to the idea of a state is, in the episcopate, as it is a state of perfection, derived not from consecration but from prelature. Episcopal consecration is indelible, but it does not constitute a state of perfection. It does not bind the man who has been consecrated to the doing of any works of perfection. It only bestows a capacity and power for the performance of episcopal actions, so far as power of Order is concerned. It does not give pastoral rights. It does not of itself bind the Bishop to any works of counsel or perfection; neither does it of itself and *ex officio* bind him to the enlightening and perfecting of others. A Bishop is, in virtue of his consecration, bound only by reason of his episcopal dignity to give a greater example of virtue and good living within the sphere of the *precepts*. This is an obligation which is common, in its measure, to all persons who are placed in any dignity. It does not by itself suffice to constitute a special *state*, and much less a *state of perfection*.

The stability of the episcopate, as it is a state of perfection, springs from prelature. The episcopate once accepted carries with it a perpetual obligation of permanence in the episcopal office, so that this office cannot be laid aside at the Bishop's will. This moral stability is sufficient in order to the idea of a *state*. Consecration adds nothing to his *state*, but gives him power to do acts which, if he were not consecrated, he could not possibly perform. It is then when a Bishop has been elected and confirmed that he enters on the state of perfection.

That which specifically constitutes the episcopate as a "state of perfection *to be exercised*" consists in the actions to which the episcopate as it is a *state* binds a Bishop, and to which it perpetually dedicates him. His functions are of the most perfect kind. They are to enlighten, to purify, and to perfect other men. As the royal state may be called a state of prudence and fortitude, not because it furnishes these virtues, or teaches how they are to be acquired, but because it demands them and supposes possession of them, if the royal office is to be rightly exercised—and as the office of a teacher may be called a state of learning, not because it makes a man learned, but because it supposes and requires in him that already acquired perfection—so is the state of a Bishop rightly called a state of perfection or the state of a perfect man.

Since consecration does not place Bishops, still less will ordination place priests in the "state of perfection *to be exercised.*" Neither ordination nor episcopal consecration binds or deputes persons to works of perfection. Although clerics are bound to minister worthily, they in rigour satisfy this obligation by observance of the precepts, and by ministering in the state of grace.

Priests are bound, by reason of the excellence of their ministry, and of the works for the sake of which they are ordained, especially the offering to God of the Divine

Sacrifice, to great virtue and goodness of life. All Christians have, in their measure, the same obligation, since all Christians are bound to communicate, and at the same time to approach worthily so great a sacrament. The difference between priests and laymen in this matter is a difference only of greater and less within the same sphere of the common way of the precepts, and the general state of Christian life.

Parish priests (*parochi*) are proper pastors. They are not officials of the Bishop, as is his Vicar. They are not the Bishop's instrumental causes. They are themselves principal proximate causes. They are masters of their own benefices. They exercise their own proper power and office. They fulfil their own obligation. They do not merely execute the obligation of another. It matters not that parish priests (*parochi*) are, as it were, coadjutors of the Bishop, for the Bishops themselves are co-operators with the Sovereign Pontiff, "being called to a share of his solicitude, although not to the plenitude of his power." As the Bishops are true principal pastors in their own order, although they are subject to a superior Pastor; so inferior pastors are in their own grade proper pastors, although they are subordinate to their Bishops.

Inferior pastors, and priests in cure of souls—although by force of law their position may seem to possess stability, yet, looking to the fact of the absence of any bond or even purpose of perpetual permanence in their benefices, they cannot be said to enter on a *state*. They rather hold for the time being a ministry, an office, or an ecclesiastical dignity. They share in the obligation and exercise of perfection in virtue of their function, whether it is to be called a state or an office. Given that it is a *state*, they will, to the extent in which they so share, be in the "state of perfection *to be exercised*."

In the case of a priest, sacerdotal ordination usually precedes his promotion to be a parish priest (*parochus*)

and true pastor, and so by means of ordination this state of perfection is, as it were, begun in simple priests. When the pastoral care is added, this in a manner completes in its degree a sort of "state of perfection *to be exercised.*" In the case of a Bishop, on the other hand, his election and confirmation frequently, if not generally, precede his consecration, and it is then when he has been elected and confirmed that he enters on the state of perfection.

The state of Bishops is more perfect than is any religious state; as the state of perfection *to be exercised* is of its kind more perfect than is the state of perfection *to be acquired.* There is here no question of comparison between persons and their individual merits. The comparison is between *states*, and the conditions and qualities of these states.

There are four differences between the state of Religious, and the state of Bishops.

1. The religious state is the state of perfection *to be acquired*, while the episcopal state is a state of perfection *to be exercised* or *communicated.*

2. The episcopal state *supposes* perfection in him who is assumed to it, while the religious state does not suppose perfection in him who professes it.

3. The religious state demands removal of hindrances to the acquiring of perfection, and so it is constituted by vows of the counsels of perfection. The episcopal state does not of itself demand this.

4. The episcopal state has attached to it dignity, honour and power, along with disposal of temporal goods. The religious state requires poverty, subjection and renunciation of temporal goods.

Although the episcopal state is more perfect than are any other states, there is, nevertheless, and by reason of the adjuncts of that state, peril in the desire of it. Desire of it is therefore, morally speaking, not praiseworthy, or to be advised. For the same reason

the episcopal state is not matter of a vow. The religious state, although it is less perfect as a state, is, on the other hand, better than is any other merely good thing which is incompatible with it. The religious state has not the perils of the episcopate. It removes hindrances to perfection, and the incentives to those vices which hinder perfection. The religious state may therefore be desired, and may rightly be advised. It may also be vowed.

The religious state is, as it were, a holocaust, by which a man consecrates himself, and all that he has, the whole of his life and his will, to God. A secular in cure of souls does not so bind himself. A parish priest, although by reason of his office there is demanded of him a blameless and exemplary life, is not bound, as such, to more than that common manner of good living which consists in observance of the precepts. When pastors of souls enter on the religious state, it is in order that they may be placed in the state of perfection. Religious, on the other hand, avoid the pastoral care, in order that they may the better profess perfection. The religious state is matter of counsel. The position of those who have cure of souls is not matter of counsel. The more voluntarily the religious state is entered upon, the better and the more prudently is this done. The more under compulsion, or through inducement of superiors, or from obedience, the cure of souls is undertaken, the more safely is it accepted.

CHAPTER II

CONSTITUTION OF THE RELIGIOUS STATE

THE "state of perfection *to be acquired*" and the "state of *religion*" are one and the same. They are the same, both in their end, and in their means. They differ in name only.

The *intrinsic* and proximate end of the state of perfection is perfection of charity, as perfection is possible in this life, and to mortal men, and as it is to be arrived at by observance not of the *precepts* only but of the *counsels* also. The *extrinsic* end of the state of perfection is that perfection of charity which obtains alone in heaven.

Although perfection of charity is, speaking absolutely, the end of all and of every Christian life, it is nevertheless an end which is aimed at in a special manner, and with the aid of special means, in the religious state.

In order to the religious state, as commonly, strictly, and properly so called, the three counsels—of poverty—of chastity—and of obedience—are necessary and essential. We must here again and carefully distinguish between *perfection* in itself, and the *state* of perfection. In order to attain perfection, renunciation of riches is most useful, and is morally necessary. It is nevertheless not absolutely necessary. It is possible for a rich man by making good use of his riches, and by doing at the same time other works of perfection, to arrive at perfection. In order, however, to the *state* of perfection, in the integrity of that state, profession of poverty is *absolutely* necessary. Without removal of hindrances to

perfection, the state of perfection cannot exist as such. Hindrances to perfection are in no small measure removed by embracing poverty.

With regard to chastity also we must again distinguish between *perfection* in itself, and the *state* of perfection. Perfection chiefly consists in union with God, and solicitude to please His Divine Majesty. The conjugal state divides the heart. It carries with it many cares and anxieties. Of its own nature it greatly hinders spiritual progress and the attaining of perfection.

Continence therefore, as removing hindrances to perfection, is *morally* necessary in order to the acquiring of perfection. To a perfect religious state continence is *absolutely* necessary. It is of the very idea of that state that it should be a state of life which is absolutely unencumbered, and which is thereby rendered easy for the acquiring of perfection. It must therefore exclude all things which should notably hinder perfection, or render perfection difficult.

Morally speaking, any true profession of poverty can scarcely exist apart from continence or celibacy. Wedlock necessarily carries with it solicitude for the temporal goods which are necessary for the support of a family. Fathers are bound to lay up for their children.

So also as regards the counsel of *voluntary* obedience —as it is distinguished from the *necessary* obedience which is due to precepts, whether human or divine.

By reason of man's natural self-love, which hinders self-knowledge, self-judgment, self-government, and self-cure, the way of obedience is the safest of all ways towards perfection. It removes all peril of self-will and of self-love. It is also most pleasing to God by reason of the humility in which it has its foundation. As the vow of poverty cuts off solicitude with regard to one's temporal goods, so does the vow of obedience cut off solicitude with regard to one's own self.

That which is true of the three counsels separately is true also of the three counsels together. The three counsels together are necessary in order to the religious state. It is of the very idea of the religious state that a man should renounce all created goods which might hinder his perfect love of God. By profession of poverty, external goods are renounced. By profession of chastity are renounced one's natural rights over one's own body. By profession of obedience there is renounced one's own will. By obedience a man consecrates to God his will. So doing he consecrates the whole of his being to God's perfect service.

The three counsels—of poverty, chastity, and obedience—of themselves suffice to the *essence* of the religious state, or suffice to constitute the *substance* of that state. They suffice to remove all obstacles which hinder charity. The hindrances to charity are chiefly three in number. There is desire of riches, there is desire of the delights of sense, and there is the inordination of the human will. These hindrances are removed by profession of poverty, of chastity, and of voluntary obedience. Worldly solicitude is also threefold. There is solicitude for riches—there is solicitude for one's family—and there is solicitude with regard to the regulation of one's own actions. The first anxiety is removed by profession of poverty. The second anxiety is removed by profession of celibacy. The third anxiety is removed by profession of obedience.

Those three counsels contain the *substance* of the religious state. They are its primary and its principal foundations. To those three counsels all other counsels which may be adapted towards the end of the religious state can be reduced.

Although chastity and poverty might in a manner be observed by a purpose of the will alone, apart from any bond of obligation, obedience could not—in matter

which is purely voluntary and not of precept—be exercised without some pre-existing bond of obligation to obey. Obedience supposes a directive, or even a coercive, power of prescribing. This there cannot be as regards matter which is otherwise free from the obligation of any precept, unless there has been first a voluntary subjection of himself to a superior by the man to whom that superior prescribes.

Apart from such previous subjection there will be a purpose of *following the counsels* of another person, rather than a purpose of *obeying his precepts*.

In order that this subjection should not only exist, but should also subsist and persevere, it must have a perpetual source in some bond of obligation. This obligation will first fall on the three principal counsels, which are of the substance of the religious state, and which are essential to the existence of that state. The obligation must be without limit, and must therefore be perpetual or life-long. The end of the religious state being perfection of charity in this life and in the life to come, permanence in the religious state to the close of this life is necessary. A bond of life-long obligation is therefore necessarily of the idea of the religious state.

It is also of the idea and essence of the religious state that it should be confirmed by means of vows which are made to God. That *state* alone is *religious* which is in itself and primarily consecrated to God. A state cannot be thus consecrated to God by means of a promise which is *made to man*. The only way in which a state can be consecrated to God is by means of a promise which is *made to God*. A human promise, if it is a private promise, can always be dissolved by mutual consent of him who made it, and of him to whom it was made. Such a promise will not suffice to constitute a proper and true religious and ecclesiastical state, unless the promise is confirmed by vow, and with the sanction of public authority.

It belongs, moreover, to perfection not only to *do* a perfect work, but also to *vow* the doing of that perfect work. Counsel concerns both. Hence the man who *of vow* does a *perfect* work, has doubled his perfection.

In order to constitute the religious state, a vow of obedience alone will not suffice, even if through that vow there should emerge an obligation both to poverty and to chastity. Religious profession binds *immediately* both to poverty and to chastity, and that independently of any precept of a superior. The two vows, of poverty and chastity, produce *special* effects, which a vow of obedience, which has merely *occasioned* obligations of poverty and chastity, could not produce. These vows of poverty and chastity are such that a superior has no power to make any change in them. The observance of them does not depend upon a superior's will. When in the verbal profession, which is made in any Order, which is truly and properly a religious Order, express mention is made only of obedience according to the Rule, there is always therein understood to be included the making of the two vows of poverty and chastity, as these are contained in that Rule.

2

The religious state may in itself be constituted in either of two ways—either in a religious community—or in solitary life. In the present practice of the Church, the former is the only actually existing mode of the religious state. It is cenobitic—that is to say, the religious state is embraced in some ecclesiastical community, in which, under one head, and under an approved rule of life, the religious profess the way of perfection.

The other mode of the religious state, in a solitary life, was in early ages far from uncommon. Religious virgins were wont to have their dwelling within the precincts of their paternal homes. They had made

their religious profession in the hands of the Bishop, and they had received from him the sacred veil. This was no mere profession of virginity only. These women were true religious. As such, they were said to be specially consecrated.

The same mode of the religious state was practised also by men. It is even most probable that religious dedication of themselves by men to God in solitary life preceded the adoption of the cenobitic or common life. These anchorites were living in a true religious state. For existence of the religious state the condition of common life is not in itself necessary. Common life simply adds one other means in order to the acquiring of perfection. It is a school of perfection.

Keeping in view this distinction of those two modes of the religious state, we say that by means of religious vows a man *so gives and delivers himself to God*, as in a special manner to *transfer the dominion or ownership of himself to God.* This is only then effected when these vows are *accepted in the name of God*, by God's Church.

Since the religious state is an *ecclesiastical* state, the donation and delivery of himself which is made by a religious must be accepted by the Church. Donation has no force or efficacy to *transfer* dominion to another, unless the donation is *accepted* by that other who is the person to whom it is made.

The Divine Majesty does not immediately and by Himself directly accept any donation which is made to Him. Acceptance must be transacted by God's Church in the name of God, and through some minister who is empowered to act in name of that Church. The donation and delivery of himself by a religious must therefore be made *in the hands of some man.*

Acceptance of a donation is necessary of the very nature of the case. Donation, being a contract, cannot be perfected and completed without the consent of both donor and donee.

There is, therefore, a most distinct difference between a *promise* which is made to God, and a *donation* which is made to God. A *promise* simply binds the person who has made it to do that which he has promised to do. A *donation* requires acceptance by the other side. The consequence of acceptance is the acquiring of *right over* that which has been given and delivered.

In order to constitute the religious state, when that state is embraced in a religious community, it is necessary that, besides the divine obligation of the three substantial vows, which are made immediately to God, there should be *a special human obligation*—or an obligation as between man and man—by way of reciprocal covenant. In virtue of this covenant the religious gives himself to a religious Order, and is bound to that Order. In virtue of the same covenant the religious Order accepts his donation and delivery of himself. That religious body is, therefore, henceforth bound to the religious as to a member. It is bound to the support, to the care, and to the government of this new member in accordance with its Institute.

In the religious state, a religious becomes a member of a mystical body. This is effected through union between the whole and the part. This union, as it is a moral union, is effected by means of a mutual bond of obligation. Since this union is an actual and real union, the donation and delivery of himself by the religious must be *actual*, and the acceptance of it by the religious order must correspond. The acceptance must be actual.

3.

A simple and a solemn vow are one in the *essential* idea of a vow. Every vow, whether simple or solemn, induces an obligation of religion, in virtue of the promise which has thereby been made to God. Transgression

of either a simple or a solemn vow is *essentially* of the same kind of wickedness.

A *solemn* vow differs from a *simple* vow, inasmuch as a solemn vow adds and includes something which a simple vow does not include. A vow is simple, and is so called, as it simply includes the *essential* idea of a vow. It does not have attached to it that peculiar solemnity which a solemn vow adds, over and above the *essential* idea of a vow. That which a solemn vow adds does not effect an *essential* difference between it and a simple vow. It does not constitute a new species of vow. It is something which *accidentally* perfects the vow. It formally constitutes the vow in its special character as it is a solemn vow.

A vow may be substantially *solemn*, even when it is made without any external and accidental solemnity. All that is required is that there should be present two persons, one person who, along with the substantial vows of religion, which are made to God, makes a donation and delivery of himself, and another person, who is invested with power to accept and who accepts those vows and that donation in the name of the Church of God.

A vow, on the other hand, may be *externally* solemn, that is to say, the vow may have been made with certain rites and external ceremonies, and nevertheless, that vow may not possess *substantial* solemnity.

Vows which are substantially solemn are *not essential* in order to constitute the religious state.

A vow is called *solemn*, as a testament, or a contract, or an oath is called *solemn*, to which that form, or public solemnity, is attached which law requires. *Solemnity* is a form, or complexus of formalities, which *public authority adds* to an act. It does so in order that this act should be placed under the special guardianship of the whole body of the commonwealth. That, therefore, is *solemn*, which has force not merely from the action of a private agent, but also from public authority. This authority may intervene, either through a public person, or through certain rites and ceremonies, such as are not

necessary by natural law in order to the validity of the act. The act will thus be taken and placed under a singular guardianship of the whole body of the commonwealth, inasmuch as the commonwealth took part in the doing of that act. In a *solemn* act, therefore, there intervenes the confirmation of the public authority, which thereby takes that act under its own special guardianship. The solemnity of vows consists in –a mode which has to be observed, in order that the Church of God should with her divine authority confirm those vows.

If this mode should not be observed—or if the Church should in any way protest that she is not confirming the vows with her authority, or that she does not receive them as *solemn* vows—they will then be *simple* vows only, and not solemn vows.

The solemnity of vows was originated by institution of the Church, just as the solemnity of contracts, of testaments, and of oaths, was originated by institution of the civil authority.

That there should be certain *effects* of vows—and that these effects should be that which they are—is entirely within the discretion of the Church. Hence certain effects of a solemn vow might be given by the Church to a simple vow, without its ceasing to be a simple vow. Certain effects of a solemn vow might, on the other hand, be restrained by the Church, while that vow should nevertheless remain a solemn vow.

The proper conception of the solemnity of vows is intervention of ecclesiastical authority, and confirmation of the vows by that authority, in the making of the vows. In virtue of this confirmation it is that the Universal Church takes those vows under its own special guardianship.

It remains, nevertheless, proper to *solemn religious profession* to annul previous *matrimonium ratum*—or marriage which has been contracted, but which has not as yet been consummated—and also that in virtue of solemn profession the religious Order is reciprocally bound to the religious subject, to retain and support him for the rest of his life, unless in punishment of crime he has to be expelled as incorrigible.

Disabilities spring not from the solemnity of a vow in itself, but from special free decree of the Church which she has made with regard to certain determinate actions. See Ballerini, *Opus Theologicum Morale*, vol. ii. page 445.

4

The donation and delivery of himself which a religious makes to his Order is entirely distinct from his vow of chastity. His vow of chastity in itself is not a donation, but is a promise which he has made to God alone. The donation and the vow are distinct one from the other not only in idea, but in reality. The donation has for its

object and its matter not the man's body, in order to the observance of chastity—but the man himself in order to service and subjection. The donation and the vow are mutually separable. The donation might be made by itself apart from any vow of chastity. A vow of chastity might be made, and that even in the hands of a superior, apart from any donation of oneself. Those two things, which are really distinct, are nowadays made together in religious profession, and are morally conjoined in order to religious profession. The act of *promising* a thing, and the act of *delivering* the thing which has been promised, are not in themselves or necessarily conjoined. The two acts may be separated at will. We often give that which we have never promised. It is possible for us to promise that which we do not give, or which we do not immediately give. A promise has regard to the future. Delivery exists in the present.

Even if a man should promise his goods to God for His service, with a deliberate intention of delivering them to God then and there, he nevertheless, so long as he has not handed them over to God's Church, or to God's poor, or expended them on other pious works, has not renounced his *own* dominion over them, or his ownership of them. God does not by Himself immediately accept any donation which is made to Him, and by an unaccepted donation God does not acquire any *special right and dominion* over and above that general right and dominion, or ownership, which belongs to Him as He is the one Creator. In accepting, God employs the intervention of second causes, such as are His ministers. His ministers are the administrators of His goods, and it is for them to accept and use these for Him.

That which is in this matter true of external goods is true also of a man's own body. Even if a man should have an internal purpose of delivering his body to God for His special service, he will not thereby lose his

dominion or right of ownership over his body. He will not have imposed on himself a new obligation with regard to the observance of chastity, which he has not vowed. A good *purpose* does not of itself induce obligation.

A *promise* is, as it were, a *particular law* which a man imposes on himself. A promise can therefore be made *immediately* to God. The promise has its effect immediately on the person who makes it, and whom therefore it specially binds to the service of God.

A *donation*, on the other hand, does not of itself and immediately bind the giver. It is not in him, but in the person to whom it is made, that a donation produces its own proper effect. To that person it transfers the dominion or ownership of the thing given. The giver is by means of his donation deprived of his ownership. He is consequently bound henceforth not to act to the prejudice of his donation.

A solemn vow of chastity has always attached to it a donation and delivery which is made to God, not immediately, but through the intervention of God's ministers, by whom also it is that this donation is accepted. That which is thus delivered to God remains under the care and government of God's ministers, and by means of the delivery of it to them they acquire for God a *new* right to it. Delivery is required in order to the solemnity of a vow of chastity, but delivery is not of itself sufficient to render a vow of chastity solemn.

The power of entering on the married state is in such wise natural, and given for the common good of all mankind, that although a man may, by an act of his own will alone, bind himself to God not to *use* this power, he nevertheless cannot wholly *deprive himself* of the power itself. He cannot, by his own private authority alone, and apart from intervention of *public authority*, disable or render himself *incapable* of matrimony. The right to marry is more a public right of all mankind than it is

a private right of any human individual, since it is ordained for the preservation of the species.

A solemn vow of religious chastity *perpetually disables* him who makes it from contracting *valid* matrimony. This disabling efficacy is to be attributed to the *vow* rather than to the *donation*. Prohibition to marry follows not from the donation, but from the vow, and therefore so does also the invalidation of the matrimony.

5

The same vow, remaining in itself unchanged, may become from being a *solemn* vow to being a *simple* vow—or from being a simple vow to be a solemn vow. It may become so independently of the will of the man who made the vow. Solemnity depends on intervention of a law of the Church. This law does not, as regards its duration, its abrogation, or its effect, depend on the will or intention of the man who makes a vow.

A change of simple vows into solemn vows might take place, for instance, in the case of the simple vows of scholastics in the Society of Jesus. In the beginning of the Society these vows were simple on two grounds. They were simple, in the first place, because they did not render those who made them *incapable* of matrimony. They were simple, secondly, because they were not annexed to a donation and delivery which was absolutely perpetual and indissoluble on both sides. The donation and delivery of themselves was perpetual and indissoluble only on the side of the religious who made it. Power remained with the Society to dissolve the bond and to dismiss the religious for just causes.

As regards the first ground of *simplicity* in these vows it has been so far diminished. The vows of scholastics of the Society now render them incapable of contracting *valid* matrimony, so long as these vows endure. This they do in virtue of the Bull of Pope Gregory XIII., *Ascendente Domino*, which, as soon as uttered, had effect not only on those who should thereafter make such vows,

but also on those religious who had previously to that date been free from this matrimonial impediment. This is manifest from the tenor of the Bull.

As regards the second ground of the *simplicity* of these vows, it also might at any time be taken away by means of a law of the sovereign Pontiff which should deprive the Society of Jesus of its power of dismissing scholastics. The Pontiff has, most certainly, power to do this. The vows of scholastics are in themselves perpetual, and the donation to which they are annexed is, so far as the religious are concerned, irrevocable. The Pontiff might therefore make the acceptance of the donation by the Society irrevocable, in virtue of his power, as he is its supreme pastor and legislator. There would then be completed in the scholastics' vow of chastity the idea of a solemn vow. That vow would then possess all the necessary conditions which a solemn vow demands.

In the same way, on the other hand, if the Pontiff were to give power to a religious Order to dismiss those who were already solemnly professed, and to dismiss them free from the bond of profession, and from all their vows, the vows which had previously been solemn would thereupon cease to be solemn. They would be no longer solemn, since, from the date of the Pontiff's decree, they would not be absolutely perpetual,—but perpetual only under condition.

6

A vow of poverty is *simple*, when there is merely made to God a promise of observance of poverty by abdication of dominion or ownership of all temporal goods, and of the use of goods as if they were one's own property.

A simple and a solemn vow of poverty are one in the *essential* idea of a vow. A simple vow might, however, be partial only—that is to say, it might concern some and not all temporal goods. A solemn vow of poverty

must be entire—that is to say, it must be a vow not to possess anything whatsoever as property, whether as regards ownership, or as regards usufruct, or even as regards the use of it as if it were one's own.

Simple and solemn vows of poverty are distinguished from each other by their *effects*, just as simple and solemn vows of chastity are so distinguished.

A solemn vow of poverty not only binds a man not to possess temporal goods as his own property, but it also *disables* him, and renders him *perpetually incapable of ownership and dominion.* A solemn vow consequently renders him incapable of entering on any inheritance whatsoever. As soon as a solemn vow is taken, it by its own force and *ipso facto* excludes ownership of those goods which he previously possessed.

This disability must be perpetual, absolutely and morally, in virtue of the state entered on through solemn religious profession. A simple vow of poverty which should produce these disabling effects only so long as it lasts, does not induce an absolutely *perpetual incapacity.* A vow is solemn, not because the vow *has* disabling effects, but because it has *power to produce* them.

A solemn vow has its disabling force not from natural law, nor from divine law, nor as it is a vow, nor even from the donation to which it is annexed, but from *institution of the Church.*

7

A peculiar moral *effect* which distinguishes a *solemn* vow of obedience from a *simple* vow of obedience is that a solemn vow of obedience so subjects the will of the religious to his superior that, without the superior's consent, the will of the religious subject is inefficacious to the contracting of any civil or natural obligation, whether by way of contract, or in any other way.

A simple vow of obedience does not produce this effect. It only induces the obligation of a promise to obey the superior. This is not sufficient to *invalidate* a man's binding himself to another man in matters which are not to the prejudice of his vow, or at variance with his Rule, or with the rights of his Order. A vow of obedience does not of itself bind a man not to make any promise with regard to a lawful matter which is not forbidden either by the Rule or by the superior. Such a promise will be valid.

The effect of invalidation therefore springs from the solemnity which is added to the vow. The force and efficacy to invalidate, which is annexed to the vow, constitutes and is its *solemnity*.

A simple promise of obedience does not of itself induce so great a subjection and dependence on the part of the religious, nor does it give so great a power to him to whom obedience is promised. A simple promise of obedience gives to the superior the power only of prescribing, and it imposes on his subject the obligation only of obeying in those things which have been prescribed within the limits of the matter of his vow. Power in a superior to *invalidate* every obligation of his religious subject is not of itself annexed to his power of *prescribing*. It does not therefore follow or flow from a simple vow of obedience. It belongs to a peculiar property from which a vow derives this efficacy. In this property consists the *solemnity* of a vow of obedience.

Power in superiors to invalidate the obligations of their subjects springs from the *dominative power* which they possess over them. This dominative power is not derived from the vow of obedience, which is not a donation but a promise. Dominative power is derived from the subject's donation and delivery of himself. This donation is specially *consecrated* to God by means of the vow. It is *elevated* so as to be a spiritual holocaust which is offered to God. The donation is moreover *confirmed* by

the vow. The vow adds to the donation a special obligation of *fidelity* due to God. This the donation by itself does not induce. The addition of the vow to the donation is therefore not superfluous.

It is not possible for a man to deprive himself of his power to bind himself in lawful matters, by depriving himself, at his own discretion and by his own private authority, of the dominion of his will through transference of it to another. For this there is required intervention of the public authority of ecclesiastical law.

In religious profession, the donation and delivery of himself by the religious is, as it were, the *matter*, while his vow is the *form*. The vow not only confirms the obligation of obedience but completes it, and specially consecrates it to God. To the vow therefore it is that there is specially attributed abnegation of the will, and disabling efficacy.

If all the substantial vows of religion, especially the vow of obedience, are perfectly observed, simple vows will not less exactly remove all hindrances to perfection than would solemn vows. If, on the other hand, the vows are not observed, those vows would not, even if they were solemn vows, contribute towards removal of hindrances to perfection.

8

According to the present law and usage of the Church of God, it is not possible for a true religious state to exist, except in a religious body which has been approved by the Church.

The approbation of the Church includes two things. One of these belongs to the understanding, or to a judgment of the understanding. The other is more properly an operation of the will. To approve a religious community in the first way is, after sufficient examination, to make an internal judgment, and externally and authoritatively to declare — that the mode of life of that

community is holy—that it is free from all error and superstition—that in its end, and in the means which it proposes, it is a manner of life which is tending towards perfection—and that therefore it is worthy of erection to the religious state.

By this approbation nothing is *conferred* on the Institute. That which the Institute already possesses is simply *made known.*

To approve in the second way is efficaciously to *create* or *erect* a community into an ecclesiastical and truly religious state.

It is to this public and authoritative approbation, whereby the new Order is proposed to the Universal Church as a system to be imitated or embraced and followed, that theologians refer when they say that the Sovereign Pontiff cannot err in his approving of a religious body. He cannot err in authoritatively declaring that its mode of life is good and holy, and that it is a fitting means towards the end of acquiring perfection.

This approbation is, as it were, a canonisation, by which the Institute is publicly and authoritatively set forth as holy. The necessity for approbation does not arise from canon law alone. It is a necessity founded in the law of nature.

A religious body, with a mode of common life, cannot be instituted by means of the substantial vows of religion alone, without the addition of certain observances which give to that body its special character. In that which is added by merely human action peril of error is always imminent. To avoid this, the authoritative approbation of the Church is necessary.

If propagation of religious bodies were free to private individuals, many errors might easily be introduced, and the faithful might be deluded into embracing a mode of life which was either prejudicial to their salvation—or was a hindrance to their perfection—or at least was in no way a real means towards perfection.

It so happened in the time of Innocent III. Certain

heretics, who were called Poor Men of Lyons, or Waldenses, invented a superstitious mode of life. They endeavoured also to introduce it as a religious state. Innocent III. therefore decreed that no religious Order should in future be erected without the approbation of the Sovereign Pontiff.

Approbation in some fashion was always, from the beginning of the Church of Christ, necessary in order to the introduction into that Church of a new religious body.

There are two ways in which a new religious body may be introduced into the Universal Church. One is when the religious body is from the first instituted for the Universal Church, so as to spread itself throughout the whole Church, preserving the unity of one body with a bond of union of its members under one head. This mode was not that of the more ancient Orders. It was a mode which obtained in later days and chiefly with the rise of the Mendicant Orders. Such an Order requires, of its own nature, the approbation of the Universal Church. The approbation of it belongs to the Sovereign Pontiff, to whom belongs the care of the Universal Church.

The older religious bodies, before the time of Innocent III., had another mode of origin and propagation. At the first they were not instituted generally for the Universal Church. They were not propagated by way of one corporate body under one head. A religious body began in one monastery, and to that one monastery it was not seldom confined. Sometimes monasteries were multiplied upon the same lines. In this case, although those monasteries did not properly form one religious body, they nevertheless by reason of their oneness with regard to Rule, and by reason also of their emanation from one common parent, were held to form — one family.

In those days the approbation of a religious body was not universal from the first, nor did bestowal of approbation proceed immediately from the Sovereign Pontiff. The initiation of a religious body belonged to the Bishop in whose diocese the first monastery of that body arose. If a similar monastery was to be erected in another diocese, the approbation of this monastery belonged to the Bishop of that diocese. This Bishop was not bound to follow the judgment of the other Bishop. That Bishop was not his superior. The judgment of that Bishop was moreover not universal. Things went on in this way, until at last the approbation of the religious body became so general that that body was held as approved by at least the tacit consent of the Universal Church. This consent was completed by the *ipso facto* or tacit approval of the Sovereign Pontiff.

Besides *speculative* approbation—by which the usefulness and the excellence of a religious body is declared—there is also necessary in order to the institution and erection of that body, a *practical* approbation. By this practical approbation there is given to a religious congregation, or to its superiors, power to accept in the name of Christ, and to constitute in a true religious state, those persons who offer themselves for profession of that manner of life which it embodies.

The power of approving religious bodies belongs, in its fulness, to the Sovereign Pontiff alone. It exists in a manner in the Bishops. Before the date of the Fourth Lateran Council, the Bishops had some share in the exercise of this power. Monks were at that time subject to the Bishops as to their own proper superiors. They were subject to the Bishop not only in that general sense in which all persons who are dwelling within the diocese are subject to the Bishop, but in a *special* sense, and in that sense in which they are now subject to, for instance, their Provincial or their General. The Abbot was himself

subject to the Bishop, as his monks were proximately subject to the Abbot, and immediately or remotely subject to the Bishop. To the Bishop the act of reception of monks belonged. Superiors, or even founders of religious bodies, could not accept monks on their own authority. To the Bishop, in like manner, there belonged the expulsion of incorrigible monks.

There are various distinctions between Pontifical approbation and Episcopal approbation of religious bodies. In the first place, the approbation of the Sovereign Pontiff extends to the Universal Church. The approbation of a Bishop is confined within the limits of his own diocese. An Archbishop cannot approve a religious body for his province. He can approve it only for his own diocese. Outside his diocese an Archbishop has no *ordinary* jurisdiction.

Secondly, Episcopal approbation results in, at most, merely human certainty. It is, therefore, fallible. The approbation of the Sovereign Pontiff is of divine authority, through special assistance of the Holy Ghost, lest he should err in so grave a matter. The Pontiff's approbation has therefore infallible certainty. This special privilege of the Pontiff cannot be delegated, any more than the Pontiff can delegate his power of canonising saints, or of defining Catholic doctrine.

Thirdly, this power of approbation of religious bodies exists in the Sovereign Pontiff immediately of *divine* right. It does not so exist in the Bishops. Even if it did so exist, it would exist in them with dependence on the Pontiff.

Fourthly, this power of approbation of religious orders, which exists in the Pontiff, is independent of any man or men. It depends on no one save on Christ, his only Master. It cannot therefore be either taken away, or diminished, or limited. So far as this power may exist in the Bishops, it can be limited, or even taken away, as was in fact done in the Lateran Council. The

Pontiff therein reserved to himself the approbation of religious bodies.

Fifthly, the Pontiff can, in approving a religious body, solemnise its vows. A Bishop cannot solemnise vows. Consequently a Bishop can only approve a religious body as constituted by simple vows.

Finally, the Pontiff alone has power *absolutely* to approve a religious body. Bishops can do so only relatively, or partially. Their approbation is limited, it is fallible, and it is revocable.

Besides the Regular Orders there exist at the present day Religious Congregations, both of men and women, which have grown up with the greatest profit not only to the whole of Christendom, but to the civil commonwealth. Of these Congregations some are diocesan, while some are not. Those Congregations are diocesan, which have one or more houses in one diocese, and which have the intention of existence within the limits of that diocese. Those Congregations are not diocesan which—although they are not exempt—are under the obedience of one general superior or superioress, and are spread abroad throughout several dioceses. The men or women who compose such Congregations make *simple* vows of poverty, chastity and obedience, either in perpetuity or for a time. By their vow of poverty they are not disabled with regard to the retaining of the *radical* ownership of their property, or with regard to acquiring and disposing of goods, although the administration and use of them, and the demanding of the fruits of them, is entirely forbidden. The utmost freedom is granted to religious under simple vows to grant the administration and usufruct of their goods to, or in favour of, their parents, if it shall so please them, or, if they prefer it, to their *own Order*. The reason is because the community or Institute does not through simple profession acquire any right to the goods of its subjects. Since religious under simple vows can acquire goods by inheritance, they ought to commit the administration, usufruct and use of them to some person of their choice, if they have not committed it to their own Congregation. Religious sisters require the written leave of the Bishop before they can dispose of the ownership of their goods, and this to secure prudence in so doing; but any covenants made by way of contract between a professed Sister and her Congregation, are not left to the judgment of their ecclesiastical superior.

With regard to the approbation of those Congregations, the petition for approbation of the Institute usually coincides with the petition for confirmation of the Constitutions. The distinction between Rules and Constitutions is not admitted in the case of those new Institutes.

Under the name of Rules, there come only the Rules of the ancient Orders which were in old times approved by the Apostolic See.

With regard to merely diocesan Institutes, the Apostolic See is not wont to approve either them or their Constitutions, but leaves the approbation of them to the Bishop. With regard to Institutes which intend to settle in other dioceses, they must have recourse for approbation to Propaganda, in the case of missionary countries, and, in the case of other countries, to the Sacred Congregation of Bishops and Regulars.

In order to obtain approbation there must be procured, in the first place, letters from the Bishop in whose diocese the Institute, or its principal house, is situated; and, if the Institute is to be spread abroad in other dioceses, letters must be procured from the several Ordinaries. In these letters there ought to be set forth (1) when and by whom the Institute was founded, whether it has obtained any Decree of praise from the Apostolic See, and how many houses there are. It ought also to be set forth how many men or women have been professed, when the Constitutions were framed, what is the progress which the new foundation has made, what is its present state, and what are its temporal resources. There is required (2) the consent of all the religious, or of all the nuns, given in Chapter; (3) and proof by experience of the usefulness of the Constitutions.

Ordinarily, before the Constitutions are approved, there is given a Decree of *praise*, and this is not always of the same import. Sometimes there is praised only the scope and end of the Institute, and this is wont to be done when some defect is apprehended in the mode of government or in the Constitutions. Sometimes both the scope and the Institute are praised, and not seldom simply the Institute. Sometimes the Institute is approved, while the Constitutions are simply praised. Sometimes there is granted a Decree of praise and at the same time of approbation—that is, when as the result of experience the usefulness of the Constitutions has been recognised. If there has hitherto been no trial of these by experience, a fitting time is fixed for this, and very often certain modifications of the Constitutions are proposed. At the end of that time the Constitutions are again submitted to examination until at length they are definitely approved. See Zitelli, *Apparatus Juris Ecclesiastici*, pp. 240-243.

In the case of Institutes approved by the Sacred Congregation of Bishops and Regulars, the procedure is given in greater detail in the last chapter of this work.

9

With regard to *jurisdiction*—as necessary in order to the existence of the religious state—there are three ways in which jurisdiction may be conceived as required—(1) for the institution of a religious body;

(2) for the constitution of the members of that body in the religious state; (3) for the government of the religious body.

(1) For the institution of a religious body jurisdiction is most certainly required. It is then that a religious body is *instituted* when that body is approved and confirmed.

There must necessarily be in the first place the founding and the ordering of the Institute on which approbation is to fall. This is nevertheless only a preparation and a disposition of the matter. For this jurisdiction is not necessary. There is in preparation or disposition no question of right or law, nor any exercise of the action of a superior.

Approbation, on the other hand, is, as it were, the formation of the matter which has been thus disposed to receive a form. Approbation is, therefore, the effecting or the creation of the religious body.

(2) Jurisdiction is also necessary for the accepting of the vows or profession of the religious. Acceptance would not be valid if it were not made by one who had the necessary power.

(3) The question, however, principally is, as to whether in a religious body there is required the peculiar jurisdiction which belongs to a superior over his subjects, in order that the members of that body may be true religious. To determine this question we must first clearly understand what is meant both by *jurisdiction* and by *dominative power*.

By *jurisdiction* is signified a spiritual power which belongs to the Keys of the Church, and which is derived from Christ through the Vicar of Christ.

By *dominative power* is signified a right which has been acquired by a religious body, and by its superiors, to govern the religious members of that body. This power does not belong to the Keys. It does not descend from Christ through any special donation made by Him to His Church. It is a power which springs radically from the wills of those who profess the Rule, and who

give themselves to the religious body, with a promise and bond of obligation of obedience to its superiors according to the Rule. This power, as it is distinct from the power of the Keys, is distinct from *jurisdiction*, properly so-called.

In a religious body it is necessary that there should exist in its superior a power of government of his monastery, which is in its measure *dominative* over the individual religious, and which is distinct from power of jurisdiction, and is separable from jurisdiction, properly so-called.

The religious state is a state of *bondage*, which is distinct from the state of *subjection* in which, in virtue of ecclesiastical jurisdiction, all the faithful are living. To this special *bondage* there corresponds a peculiar *dominative power*, which is distinct and separable from proper power of *jurisdiction*.

This dominative and, so to speak, domestic or economic power, which exists in the Abbot, in the Prior, or in any other proper and immediate Superior, is, apart from jurisdiction, sufficient to constitute a true religious state. This is evident from the case of Nuns. An Abbess does not possess jurisdiction. The Nuns are nevertheless subjected to her, as to a mother, and they are bound to obey her in accordance with the Rule which they have professed. Her power and their subjection suffice to constitute communities of religious women true religious bodies.

In virtue of this paternal, or maternal, power, which is derived from voluntary compact—along with lawfully accepted delivery of themselves by the religious, which has been confirmed by the vow of obedience—a religious superior possesses, apart from proper jurisdiction, power to prescribe to his subjects, to coerce them, and to punish them, with a moderate and duly regulated punishment, or such a punishment as should

suffice in order to the ordinary government of a well-regulated family.

In order, however, to the *perfect* government of a religious body, proper power of *jurisdiction* is required, and jurisdiction must exist in some superior of that body. This jurisdiction must be at least extrinsic, and such as is brought to bear upon the rest of the faithful. The spiritual jurisdiction which is necessary for the government of the Universal Church is necessary for the government of all ecclesiastical states which that Church comprehends. A special subjection to the spiritual jurisdiction of the Church follows as a natural consequence of the institution of any religious body. Although communities of Nuns do not have among themselves any superior who possesses jurisdiction, those nuns have nevertheless, and always, a superior who has proper *jurisdiction* over the whole body of them including the abbess. This superior is the Bishop, in the case of communities which are subject to him. In the case of communities which are exempt from his jurisdiction, it is the provincial or other superior of the same Order of men, of which the community of nuns is a member.

In the early ages, before the exemption of religious, monasteries of monks were subject to the Bishop, who possessed and exercised jurisdiction over them. From the date of their exemption, they are subject to the Sovereign Pontiff, or to superiors of their own Order, to whom the Pontiff has communicated his jurisdiction. The religious state has, therefore, never existed apart from jurisdiction.

As in a civil commonwealth no family, or private society, or other civil state can exist without subjection to a civil ruler who has proper jurisdiction over it, so is it also in that spiritual commonwealth which is the Universal Church.

Merely private or paternal power would not suffice in order to the good government of a religious community,

or of its members. It is sometimes necessary to use censures to coerce men, as well as other punishments which are graver than are those which can be inflicted by paternal power alone.

Subjection of religious to jurisdiction, properly so-called, is not a *condition* which is necessary in order to *constitute* the religious state. It is a *property* which is a *consequence* of that state. It follows in the same way as from the ordination of a cleric there follows the subjection of that cleric to a superior who possesses spiritual jurisdiction. This subjection, or the jurisdiction which is the correlative of it, is not a condition which is necessary in order to the clericate. It is a property which is consequent upon the clericate.

The two powers—both jurisdiction and the dominative or paternal power which springs from religious profession—may exist united in the same person. A Bishop, for instance, has power to prescribe in virtue of obedience to Nuns who are not exempt from his diocesan jurisdiction, and who are therefore subject to him, as he is himself the Superior of their convent. He can, at the same time, and as he is their Bishop, add to his precept a censure.

10

The state of perfection, simply and absolutely, and as it includes all that is of the substantial perfection of that state, is proper to the law of grace. Before the time of the law of grace the state of perfection was only foreshadowed, or in part inaugurated. It was not perfected. With regard to three points we have certainty—(1) that the religious state is not of purely *human* institution, but that, on the contrary, it derives its origin from *divine* law; (2) that the religious state has been preserved by a continuous and uninterrupted tradition in the Church of Christ; and (3) that in its *essence* the religious state has always been the same.

Besides instituting the religious state, so far as regards

the *substance* of that state, Jesus Christ instituted also one particular religious body. This he did by congregating certain men, and by delivering to them a proper and particular mode of religious life. He called His Apostles to embrace a true and proper religious state. They truly and properly made the three vows of poverty, of chastity, and of obedience, and that as belonging to the state of perfection. Since Christ called His Apostles in order that by means of them He might sow the seeds of all virtue and perfection throughout the world, it cannot be doubted that He constituted them in that state in which they might be to all men examples of perfection.

A special Rule was not necessary in the case of the Apostles. So long as Christ Himself was with them, He was to them their living Rule. After He was gone they could not have been hampered with the restrictions of a special ceremonial Rule, since they were to be dispersed throughout the whole world. Of such a Rule they did not stand in need. They were themselves most perfect. They were also assisted and directed by the Holy Ghost. They were acting, moreover, under the living influence of Peter.

The religious state has always continued in the Church from the time of its institution by Jesus Christ. This is the common doctrine of the Fathers. Pius IV., in a Bull in favour of the Clerks Regular of St Augustine, speaks of regular clerks as *instituted* by the Apostles. This order was restored and renewed, but was not begun by St Augustine. Sir Anthony did not institute, but found many monasteries already in existence. These he brought to perfection. The monasticism of the fourth century is so notorious that even heretics do not deny the existence of it.

By means of *simple* vows a man may at the present day be constituted a true religious, and an Institute in which *simple* vows alone are made, cannot be denied to have the dignity of a religious state. By authority,

however, of the Apostolic See, there is this difference, that that Institute alone is to be reckoned and called absolutely an Order—a true Order—a Religious Order—a Regular Order—or an Order to which the privileges of a Regular Order belong—in which *solemn* vows are made, if not by all, at least by some of the members of the Order—as in the case of the Society of Jesus, in which solemn vows are made by the Professed Fathers only, and not by either the Approved Scholastics, or the Formed Coadjutors, although both are in virtue of their *simple* vows true religious. To other Institutes there is left the name of Institute—Society—Pious and religious, but secular Congregation—subject to the authority of the Bishop, like the rest of the secular clergy. If, however, as is frequently the case, the Roman See, or the Sacred Congregation of Bishops and Regulars has approved such Institutes and their Rules, and their manner of life, they are, so far as these are concerned, exempt from the jurisdiction of the Bishop. See Ballerini, *Opus Theologicum Morale*, vol. iv. p. 17.

CHAPTER III

ENTRANCE INTO RELIGION

It is not forbidden by any law to enter into religion at any age. Age may be divided into three periods—(1) that of adults after puberty; (2) that of children before the years of puberty, who have arrived at such use of reason as would be sufficient for the commission of mortal sin, and consequently sufficient for the making of a vow; (3) that of infancy, or the age before use of reason.

Looking merely to *natural* law, it is lawful at any age freely to offer oneself to the perpetual service of God. There is no natural principle by which should be fixed any certain age for such an act. After a person has attained to freedom of will, there is no more reason for the selection of one age than there is for the selection of another age. There is so far no distinction between the ages before and after puberty, since all do not come at the same time to the same perfection in discretion and use of reason. That extent of age alone is required which is sufficient for perfect deliberation. Deliberation is necessary in order that the act should be a *human* act, or such an act as becomes a human being. Looking to divine *positive* law, we do not find any law laid down by Christ to forbid this most excellent act before any age. We do not find any trace of prohibition in the Sacred Scriptures, in the decrees of Pontiffs or Councils, or in the tradition of the Fathers.

Looking to the words and example of Christ Himself, we find that the very opposite of any such prohibition is in accordance with His intention.

The Council of Trent ordains that no one should be admitted to *profession* before the age of sixteen years complete. The Council does not forbid *entrance* before the age of fifteen. One may *enter* at any earlier age so long as *profession* is not made until the age of sixteen.

Clement III. ordained that lay brothers should not be admitted to the noviceship before the age of twenty. In the case of Nuns the Council of Trent forbids the entrance of girls before the age of twelve years complete—that is, before puberty. A Decree of the Sacred Congregation of Bishops and Regulars, May 23, 1659, declares that girls are not to receive the religious habit before completion of their fifteenth year. For those under that age an Apostolic Indult may be applied for. See Ballerini, *Opus Theologicum Morale*, vol. iv. p. 28.

By a decree of Pius IX., promulgated by Encyclical Letters to the Superiors of Religious Orders on March 19, 1857, it was ordained that all religious of those Orders in which solemn vows are taken, should for the future take *simple* vows only at the end of their noviceship, and that they should not take *solemn* vows until after the lapse of at least three years, when they might be admitted to solemn vows, if then found worthy by their superiors. For just causes their solemn profession might be even longer delayed, although not beyond the age of twenty-five years complete. These simple vows are perpetual on the part of him who makes them, and dispensation of them is reserved to the Sovereign Pontiff. They are dissolved, however, by dismissal from the Order. The religious under simple vows are sharers in all the graces and privileges which the solemnly professed of the same Order enjoy. That which Gregory XIII. in his Bull *Ascendente Domino* defined with regard to the scholastics of the Society of Jesus—namely, *that they are true religious*, although they have taken only *simple* vows applies also to those religious of other Orders who, in accordance with this ordinance of Pius IX., remain for some years under simple vows only, before they make solemn profession. See *Gury*, Ed. Ballerini, 1869, vol. ii. pp. 74, 75.

Parents may lawfully offer their children to a religious Order, to be educated, and thereafter perpetually to persevere therein, *so far as the parents are concerned.* The parent has right and dominion over his child, and can dispose of him to any use which does not involve injustice, or other evil. Much more can a parent dispose of his child to a use which is for God's greater service and for the child's greater benefit.

Parental oblation of a child to a religious Order pro-

duces three effects—(1) that the child can be lawfully received and retained by the Order; (2) that the father can no longer exercise his power of recalling his child, since he has renounced his right, and has, so far as he is concerned, made a donation of his child, and that donation has been accepted; (3) the child cannot, of his own will, leave the order *before* the age of puberty, since before that age he is ruled not by his own will, but by the will of his father. He may, however, be expelled, since the Order has not bound itself to retain him.

If the child consents to his parents' offering of him, there is no difficulty. He is then not only offered by his parent, but he offers himself. A child cannot, however, be compelled to enter a religious Order so as to be *bound* to profession therein, since to this not even an adult can be bound without his own consent and desire.

"To educate youth was one of the objects which St Benedict had in view, when he founded his Order. He makes provision for this in his Rule. The reception of a child in those days was almost as solemn as a profession in our own. His parents carried him to church. Whilst they wrapped his hand, which held the petition, in the sacred linen of the altar, they promised, in the presence of God and of His Saints, stability in his name. 'Little beings of three or four or five years old were brought in the arms of those who gave them life, to accept at their bidding the course in which that life was to run. They were brought into the sanctuary, spoke by the mouth of their parents, as at the font, put out their tiny hand for the sacred corporal to be wrapped round it, received the cowl, and took their place as monks in the monastic community.'" (*Benedictine Centuries*, Atlantis, 1859, p. 19.) The children's training was in keeping with the holiness of their consecration. They were confided to the care of a large-hearted and God-fearing man. The one object was to fill their souls with God, to teach them the power of knowledge, and the force of love, to educate the intellect, and to purify the heart. It was in this way, as offered by his parents at Monte Cassino, that St Thomas Aquinas entered on his ecclesiastical career.—See *The Life of St Thomas of Aquin*, by Roger Bede Vaughan, O.S.B., vol. i. p. 18.

2

Both sexes are capable of religious life. A woman is, however, incapable of entrance into religious life in a

monastery of men. A man is equally incapable of entrance into religious life in a monastery of women.

Hindrances to entrance into the religious state may arise either from the nature of the case, and apart from any special positive law, or from positive law only. A man who is incapable of profession is equally incapable of entrance. He who is incapable of leading the religious life is not capable of probation for profession of that life.

The first impediment which renders a man incapable of entrance on the religious state is absence of the use of reason, if this absence is perpetual. If it is temporary, it renders him incapable only so long as it continues.

A second impediment is the bond of consummated matrimony. This disables, not absolutely, but conditionally—that is, unless the other party renounces his or her right, and gives leave. Entrance without such consent would be a manifest injury, since it would be an invasion of already existing and just rights. The leave given may, even after entrance, be recalled, since as yet no bond of obligation has been contracted to God, and there has been as yet no *transference* of the person's right of ownership in himself. The person who enters can, of his or her own will, come out before profession, and return to his or her consort, who will be bound to receive and to admit him or her, as the case may be, to matrimonial life. The one who has remained in the world has also power to recall the other, and that other will be bound to return to matrimonial life. Each of the two is understood to be, for the year before profession, on probation, in order to ascertain whether their perpetual separation is expedient or not. The rights of both are therefore equal. If both man and wife should, of mutual consent, enter the religious state, and if one of them should not persevere in that state, he or she has power to recall the other. The probation of each of

them is understood to be with dependence on the probation of the other.

A third impediment to entrance into a religious Order is profession already made in another religious Order. Reception into a second Order would be directly subversive of the donation and delivery of himself, which was made by the religious in his first profession. This impediment is limited, however, to the case of entrance either into a less strict Order, or into an Order profession in which has been invalidated by special declaration of the Sovereign Pontiff.

A fourth impediment to entrance into the religious state is episcopal dignity. This impediment also is not absolute but conditional—namely, that entrance should not be made without leave of the Sovereign Pontiff.

Besides these impediments there is no other *general* impediment which invalidates entrance into the religious state. In the case of certain Orders, however, *particular* laws exist, in virtue of which some other impediments invalidate entrance. In some Orders there is the impediment of descent from Jews or Pagans; in others, illegitimate birth, or infamy, or the irregularity which arises from voluntary homicide, and the like.

It has to be ascertained whether the words of the Constitutions of such Orders are merely prohibitory, or whether they also invalidate. If they invalidate, it has further to be ascertained whether the invalidation falls immediately on profession alone, or directly and immediately on reception also. If invalidation falls on profession alone, the entrance will not be absolutely null. When the impediment has been removed by dispensation, the noviceship will be reckoned from the date of entrance, and not from the date of the dispensation. If, on the other hand, the invalidation falls directly and immediately on reception as well as on profession, the entrance will be absolutely null. The noviceship will have to be begun over again, unless for this also a special dispensation has been obtained. Such a dis-

pensation the Sovereign Pontiff alone has power to grant; since he alone has power to dispense in order to the validity of profession without an entire year of previous probation.

There are many impediments which, while they do not invalidate, render entrance into religion unlawful. These arise either from natural law, or from ecclesiastical common law, or from the private laws of particular religious Orders.

With regard to the question whether Parish priests and other clerics can go into religion without consent of the Bishop, we have first to set aside certain cases. If a cleric, on account of his education having been paid for, or for other causes, has bound himself by bargain to serve a diocese for a certain time, it is not lawful for him, before he has fulfilled his bargain, on his own authority to go into religion. The reason is evident. That bargain was a most proper one, and a bargain which was for the advantage of the Church. The obligation to observe a bargain is matter of precept, and that prevails over counsel. It is proved also by the practice of the Colleges which the munificence of the Pontiffs has established in Rome. In these—and that by Pontifical law—promises to this effect are made and sworn to. These promises cannot be departed from without express dispensation of the Pope. These oaths cannot be objected to on the ground that they hinder individuals from going into religion, as into that which is more perfect. The promises do not properly hinder entrance into religion. They only demand delay. Further, all things have to be weighed by the standard of their end, and the prosperity of the Church of Christ is, as a good which is both common and divine, to be preferred to other good things. The preservation of the Church itself, and of its efficacious energy, demands that the several dioceses should be furnished with their own clergy, and that a perennial supply of clergy should be certain. To this the arrangement in question contributes. This is a far greater good than is the good that this or that individual should go into religion, to the certain damage of the diocese by which he has been nourished, in a lack of necessary pastors and assistants. By these covenants there is promised, not a man's service of his church in perpetuity, but only his service for a certain time. This suffices in order that this church should not be left destitute of necessary clergy. If perpetual service were promised, and this became common practice, there would be hindered without cause the freedom of individuals to dedicate themselves to God in religion. While the convenience of existing churches was being provided for, the Church and the Apostolic See would be

deprived of labourers for the conversion of the heathen. Further, freedom to follow God's vocation to religious life must be safeguarded. It is the duty of Bishops to commend the evangelical counsels, and to promote religious Institutes. The Church must always have labourers at hand, by whom may be executed the charge of Christ, "Go, and teach all nations."

If the Church were to suffer grievous loss by a cleric's going into religion, the Bishop could hinder his going, and he could recall him after he had gone, even after profession. Apart from these cases, and therefore looking at the matter on its own merits, it is certain that clerics who are not Bishops, and even if these clerics have cure of souls, can without leave of their Bishop go into religion. This is not hindered by their promise of obedience to the Bishop. That promise was made in accordance with the canons, and the canons permit priests, who have cure of souls, to go into religion, even against the expressed will of the Bishop. Benedict XIV. declares not only that they are not to be hindered in their purpose, but that they are rather to be exhorted to, and strengthened in, their perseverance. The reason is manifest. Since these priests have not bound themselves to the service of their particular church in perpetuity, they have right, as have others of the faithful, to enjoyment of a benefit which Christ has prepared for all men. Since they are living in a less perfect state, they have a right to pass to a more perfect state, so as to place in greater security the affair of their salvation.

Since clerics have power, even against the expressed will of the Bishop, to go into religion, it is not in itself necessary for them to ask his leave, and especially since there is no law which imposes this obligation. The reverence which is due to a Bishop, nevertheless, demands that, if it is possible, every cleric should inform his Bishop about his entrance and ask leave. If he is a priest who has cure of souls, the Bishop ought to be informed by him in good time, in order that he may supply his place. Since at the present day every man who goes into religion must bring letters-testimonial from his Ordinary, it cannot be that in practice the leave of the Ordinary should not in some way be asked. The faculty which is given to clerics of going into religion, avails for entrance even into those Congregations which make only simple, although perpetual, vows. The motive of the law is not solemnity of vows, but the perfection of the religious state.—See Ballerini, *Opus Theologicum Morale*, vol. iv. pp. 130-133.

3

A son is bound not to leave his father in *extreme* necessity in order to become a religious. There are three kinds of necessity to be considered in connection with the obligations of charity, mercy, and almsgiving. Necessity may be either extreme, grievous, or common.

There is *extreme* necessity when a man is in such peril of death that, unless he is relieved, his death is morally certain, or there is at least the greatest risk of its occurrence.

Necessity is *grievous* when life cannot be supported unless in great indigence, and with great difficulty, or with great degradation and loss of position, or by means of a drudgery which is foreign to one's quality and condition.

Necessity is called *common*, when it has become necessary for a man to live sparingly, and not only without superfluities, but without those surroundings which befit his position, and this even if with due diligence and industry the man need not be in want of the necessaries of life.

With regard to *common* necessity, there can be no question. A son is never bound by reason of common necessity to give up or to delay his entrance into religion. Such necessity of the parent is to be regarded as being morally nothing in comparison with the loss which the son would suffer by depriving himself of the state of perfection. As a son is not in rigour bound to relieve his father in *common* necessity, especially if by so doing he should himself suffer equal temporal inconvenience, still less is he bound to relieve his father at great spiritual cost to himself. If a father who is in merely *common* necessity should expressly command his son to relieve him, and to give up entrance into the religious state, his son will not be bound to obey him. A father has no power to impose on his son a precept which is more rigorous than is that which nature itself imposes. In matters, moreover, which concern the salvation of the soul, a son is not bound to obey a father who, without sufficient cause, forbids an act which will be so much for the soul's advantage of his son, and to which the son believes himself to have been called by God.

It is to be remembered, however, that a father's

necessity is to be weighed not only as that necessity is at present, but by the standard of that which may reasonably be dreaded as imminent or in the near future.

In the case of *extreme* necessity, it is equally certain that a son is bound not to leave his father, in order to become a religious. Two conditions are necessary in order to found this obligation. One condition is that the son will be able, by remaining in the world, to relieve the extreme necessity of his father, or that he should have a moral or probable hope of being thus able to relieve him. No one is bound either to the impossible, or to the doing of anything in vain. The second condition which is required in order that a son should be bound to remain in the world is, that the son should himself individually be necessary to his father in his extreme necessity. If there are other sons, or if the father's extreme necessity can be provided for in another way, the son who desires to do so may rightly enter religion.

In order to justify a son, however, it is not sufficient that others *might possibly* relieve his father. There must be a well-grounded hope or a moral certainty that they will actually relieve him. It is not to the point that the other sons may sin by refusing to relieve their father. The fact remains that the father is actually living in extreme necessity. This necessity a son is bound to see to, and that, if need be, till his father's death. The father's necessity is the root of the son's obligation. The duration of that necessity is consequently the root also of the duration of the son's obligation.

We are bound to relieve our neighbours who are in *extreme* necessity, so long as we ourselves are in possession of goods, and those goods are not necessary for ourselves in order to the preservation of our lives. We are, nevertheless, not bound, as a rule, to acquire goods

for this purpose, nor are we bound by actual labour or toil to succour the extreme necessity of *every* neighbour. With regard to parents, however, there exists a special and a singular obligation, which arises from a special and singular title. We are bound to relieve our parents in their *extreme* necessity, not only by means of those goods which we presently possess, but also by acquiring goods for this purpose, even if this should be difficult, and should entail considerable toil, and that for some length of time. This obligation extends also to necessary bodily service, and to dedicating, if need be, our exertions throughout our lives to the aid of our indigent parents.

This filial debt is due from a special title. From our parents it is that we derive whatsoever we are, as from the sources or causes of our human being. This does not apply in the case of other blood relations.

In the case of our neighbours, the relief of them in their extreme necessity is payment of a *general* debt of *mercy*. In the case of our parents it is in addition the payment of a *special* debt of *piety*. This debt is of much more rigorous obligation. The obligation is greater than is an ordinary obligation of *justice*. Although piety is not properly justice, piety is nevertheless more perfect in the rigour of its obligation, and in the demands of the debt which it begets.

A son is not entitled to leave his father even in *grievous* necessity, when there is no other person to relieve him, and no other way in which he may be relieved, and when that son himself could do so by remaining in the world.

There is a greater obligation of a father to his son than there is of a son to his father. A son, as St. Thomas teaches, is not bound *per se* to support his father, but is bound only accidentally, and by reason of his father's extreme or grievous necessity. A father is bound, not accidentally but *per se*, and

in virtue of his paternal office, to support and educate his son. He is the principle and cause or author of his son's existence. Hence it is not only when a son is in necessity that his father cannot enter religion. He is bound absolutely not to abandon his charge of his son, unless he has made sufficient provision for him in all things necessary, and has secured by means of the intervention of other persons his education and proper supervision. This is a natural obligation which springs from a natural precept. It cannot, therefore, be set aside for any work or state which is not of precept. This is to be understood, however, as referring only to the time during which a son is still under the charge of his father, and in actual subjection to him, and not to the time after the son's emancipation from paternal control. The father is then supposed to have sufficiently reared and educated his son, and to have fulfilled and to have been divested of his office as a father. His natural obligation is ended. It was not perpetual. It lasted only during the continuance of the state of his son's *natural* need of it.

In the case, however, of even an emancipated son who is in necessity, his father is bound with the same obligation as that which a son lies under by reason of his father's necessity. The bond between them is reciprocal. So also are the obligations which it induces.

It is certain that a brother is not bound to support and educate his brother, and this not even if that brother is his younger brother. He is not the author of his brother's being. There exists towards brothers no obligation of *justice*, but only an obligation of *charity*, although the obligation of charity is greater as regards brothers than it is as regards strangers, by reason of the closer connection between them.

Even a son who is already professed is bound to leave his monastery to succour his father who has fallen into *extreme* necessity. By

religious profession there is not extinguished the natural obligation of a son towards his parents. His return for a time to the world to relieve them is not at variance with his religious profession, the obligation of which is suspended by the urgency of a *law of nature*. A precept of natural and divine law prevails in extreme necessity over every vow and bond. Vows ought not to be such as should hinder acts of justice. There is here no question of dispensation from his vows. That is not necessary to the end in view. See Ballerini, *Opus Theologicum Morale*, vol. iv. page 118.

4

No man is entitled to enter into religion with injury to a third party ; or to transgress a natural precept in order to do a work of counsel. No man, therefore, can enter into religion who is burdened with debts, which it is possible for him to pay by remaining in the world. Debts are of two kinds. Some debts are uncertain, and do not involve restitution to any ascertained person. Other debts are certain, and payment of them is due to some determinate individual.

Uncertain debts do not hinder a man's entrance into religion. If a man delivers his goods along with himself to a religious order, or if he expends them upon the poor, or devotes them to other pious uses, he satisfies his obligation. If a debt is *certain*—that is to say, if the debt is due to a known determinate individual or individuals, and the debtor is absolutely *unable* to pay it, either now or in the future, he is free at once to enter into religion. By his entrance he does no injury to his creditors. Their action against him would be in vain. It is rendered useless by reason of his indigence. If a man, however, although he has no present means of paying his debts, has hope of being able by and bye to pay them, he is bound to wait for some time and to pay his debts before he enters into religion. With regard to the length of time, no general rule can be laid down. The matter must be determined in individual cases, according to the circumstances of them, and in accordance with that which would be the judg-

ment of prudent men. The hope of being able to pay his debts must, however, if it is to bind a man not to enter into religion, amount to a moral certainty. A merely dubious hope would not induce the obligation of so great a burden as would be that of waiting for a great length of time. A man would not be bound to beg, or to do drudgery which was unbecoming to him in his position in life in order to pay his debts. When reduced to this as the only means, he will be reckoned as simply unable to pay.

A Constitution of Sixtus V. declares criminals or persons who are justly suspected of grievous crimes to be perpetually incapable of the religious state. He decrees that if they have been rashly admitted thereinto, both their entrance and their profession are null and void. The crimes to which he refers are such as homicide, theft, robbery, and similarly grievous crimes. Hidden crimes are not comprehended by this Constitution. Those who have committed them are not included as criminals, so far as the effect is concerned. A later Constitution of Clement VIII. has modified that of Sixtus V., but to this extent only that the *profession* of such persons, whether criminals or debtors to large amounts, should stand. The earlier Constitution remains in vigour so far as regards the unlawfulness of their reception, and the punishment of those who receive them.

There are three effects of crime which may in some way hinder entrance into religion. First, there is the obligation in conscience—and that of *commutative* justice—to restore in the case of loss through crime, and to make satisfaction for injuries. A second effect of crime is infamy. This does not, however, arise from hidden crimes. A third effect of crime is to leave the delinquent liable to punishment by the public authorities.

By a Decree of Pius IX. (January 25, 1848) it is ordained that no one should be admitted to the religious habit without letters-testi-

monial both from the Ordinary of the postulant's birthplace, and from the Ordinary of the place where he has lived for more than a year since he was fifteen years of age. This applies even to Congregations in which only simple vows are made, but not to Nuns, of whom there is no mention. There is not required by this decree the Bishop's leave, or consent, or approbation, but only his letters-testimonial. However much the Bishop may oppose the reception of the postulant, the religious Superior has power to admit him. The letters-testimonial, moreover, are required in order to the lawfulness, but not to the validity of admission. No one can therefore pretend nullity of profession on the ground that he was admitted without such letters-testimonial. (See Bouix, *De Jure Regularium*, tom. i. pp. 552, 575, 2nd ed.) This new legislation does not affect the Society of Jesus, which was exempted from it by the same Pontiff, on the petition of the Father General (Roothan), Jan. 28, 1850. The examination of postulants, however, by the Society, which was formerly a matter of *rule*, is now of true and strict *law*, the existence of this examination having been a condition or ground of the Pontiff's exemption.

5

He who enters the religious state must, of the nature of the case, do so with full deliberation and sufficient knowledge. His knowledge must be not merely general and speculative, but particular and practical, and such as is arrived at by prudent judgment. It is not sufficient that the religious state should be judged by him to be in itself the best of states. With regard to this, deliberation is not necessary. It is evident from the end of that state. The religious state must be considered with special relation to this particular person, taking into account his powers and capabilities, and other both intrinsic and extrinsic conditions. It is not true that everything which is best in itself is best for every individual.

Three things have principally to be kept in view. In the first place, counsel should be sought of good men, who are free from all human affection, and who are of sound judgment with regard to what constitutes and concerns holy and religious life, and, if possible, of men who have themselves had experience of religious life.

Secondly, the consultation should be prudent and mature, but not too long protracted. This is not necessary. It is likely rather to hinder divine vocation, and it opens the way to many perils.

Thirdly, there should be taken into account not merely the person's own unaided powers, but along with these the divine assistance.

Desire for the religious state is itself, as a rule, from the Holy Ghost, and this desire is to be entertained as coming from Him. The Holy Ghost may, however, cause the desire of a thing the accomplishment of which He does not will. He sometimes instils the desire, as a means of merit, even if the desire is never to be fulfilled, and even if it is not expedient that it should be fulfilled. Hence even if it is morally clear to a religious Superior that a particular person has been moved by the Holy Ghost to ask for the religious habit, he will nevertheless rightly refuse him, if it is not expedient for the Order that he should be received. In like manner, even if a man may himself morally believe that he is moved by the Holy Ghost to ask for the religious habit, he may nevertheless hesitate and take counsel. The desire is given for this end chiefly that a man should deliberate, take counsel, and test his motives.

Sometimes there is such an affection towards the religious state, and such a desire of entrance into it, that this state is absolutely, or so far as the person in question is concerned, *desired*—if it should prove to be expedient. This is what is strictly and properly called *vocation*. Sometimes, however, a man does not feel in himself this affection and desire, and nevertheless he has certain cogitations and internal movements of his soul, either with regard to the perils of the world—or with regard to the spiritual advantages of the religious state—or with regard to his choice of a state

of life in accordance with whatsoever may be judged to be best for him individually. In this case, although there may not be that which is commonly understood as vocation by the Holy Ghost, there may nevertheless in reality be, on the part of the Holy Ghost, some beginning of vocation. This beginning suffices as a reason for taking counsel with regard to entrance, and this may result in an efficacious election made with mature judgment. An extraordinary vocation of the Holy Ghost, such as should beget a desire which would of itself be efficacious without its being preceded by counsel and deliberation, is not always to be looked for.

In order rightly to enter into the religious state there must be an intention which is not only not bad, but good with a goodness which is in proportion with the end of entrance. To enter from weariness of misfortunes, or in order merely to avoid want, or loss of position, would not be in accordance or in proportion with the end of the religious state.

An *occasion*, however, must be carefully distinguished from an *intention*. The two are distinguished from each other as is an *occasion* from a *cause*. A desire to enter the religious state is not seldom *occasioned* by some temporal motive or event, and nevertheless the *end* of entrance comes afterwards to be not this, but greater perfection in the divine service. It often happens that "vexation gives understanding," and that temporal affliction excites a man to think of eternal things and to think little of temporal things. In this way he, little by little, arrives at a determination to secure eternal things, and for the sake of them to leave all temporal things.

Deliberation, therefore, with regard to the religious state which has been *occasioned* by temporal annoyances, is not lightly to be disregarded. It is the more carefully to be transacted. It is rather a common way in which God excites men to follow after better things.

If, however, escape from temporal annoyances should remain in reality the *one and only motive* for leaving the world, it will not suffice as a reason for entrance into religion. There would in that case be no prompt will to aim at the perfection which is the proper end of the religious state, no alacrity to bear its burdens, and no confidence in looking for and begging the necessary succours of divine grace. The man would either not persevere, or he would not make progress. Religious life would be to him not a sweet yoke, but a grievous burden.

The counsels of perfection have been set before all men indiscriminately by Christ. St Thomas therefore affirms, speaking generally, that those who induce others towards religion not only do not sin, but merit great reward. He says that those alone sin who induce others in an undue way—that is to say, with violence, or simoniacally, or by means of lies. He denies that there is need for consultation, in order that a man should go into religion. It is in a matter which is doubtful that counsel is required. It is certain that entrance into religion is something better than that which is merely good. He who doubts this derogates from Christ, Who gave this counsel. It may certainly happen that a particular person should not be fit for the religious state, and is therefore not called by God thereto. For this very reason it is, says St Thomas, that there is reserved a period of probation, during which novices have trial by actual experience of the difficulties of religious life.

Mere entrance into religion cannot be by itself a sin, and if at the present day proofs of vocation are wont to be sought before entrance this is for an extrinsic reason. It is because it would be unbecoming, and would savour of lightness of character, that a man on completion of his noviceship should return to the world, while it would not be for the advantage of a religious Order to have to house and feed an unfit novice at its own expense. Further, there might rightly be fear of a novice, who had got through his noviceship somehow, not daring to leave, even if he did not feel himself to be fit for the life, and so making his profession.

A man would certainly sin who, having the intention not to be professed, should nevertheless enter the noviceship. He would be doing an injury to the Order, deceiving it, and spending a whole year at its expense. If a man does not *feel* that he has a vocation, but nevertheless is serious in making his religious profession, and has a true *will* to satisfy his religious obligations, what is there that is lacking to his vocation, if his profession is of *only the religious state without the*

clericate, as bound up therewith? Christ's counsel of religion is set before all men, and so long as a man has the will to fulfil the obligations of his state, in what way could he be sinning?

It is not all who are called to the clericate, and so, if his religious state is also clerical, a man would be acting rashly who should embrace it without God's vocation to the clericate. Since, however, the religious state supplies very many and most abundant spiritual aids, the man, if his will is firm to live religiously, as he ought, will not be exposing himself to grievous peril of losing his soul. If, on the other hand, a man, who does not feel himself to be called, makes religious profession without a will to lead a true religious life, he sins in the very act of his profession. With it he mingles deception, and he is establishing himself in a state in which he will probably make shipwreck of his eternal salvation.

It is certain that the two cases are not on the same level—that of the man who, without being called, goes into religion—and that of the man who, being called into religion, remains in the world. The latter deprives himself of very many spiritual aids and means, wherewith the former, on the other hand, abounds. It is not to be supposed that all, or that the greater number of bad religious had never been called. It is one thing to be called, and it is another to follow the calling, and constantly to persevere therein by faithful co-operation with the direction of the divine grace.

The common and sufficient signs of true vocation to religious life are two in number. These are found when a man is fitted for the state, being endowed with those qualities which that state demands, and when at the same time, keeping steadfastly in view the end for which he was created, he in serious deliberation constantly finds that the religious state commends itself to him, and he forms a judgment that, with the aid of God, he will easily in that state attain his end. It is in this way that God is wont to call men to the ecclesiastical or to the religious state, by inspiring both inclination and trustful confidence, there being always supposed any special fitness which may be required.

A difference has been indicated between vocation to the religious state, simply as such, and vocation to the priesthood. Vocation therefore to a religious Order, which combines clerical with religious life, must be considered in the light of the rules which apply to both vocations, as they exist in separation. Some internal disposition of fitness is demanded, and the existence of it is presupposed by the Church in those who are raised by her Bishops to the ecclesiastical dignity of clerical orders. The principal dispositions are holiness of life and sufficient knowledge. Between those two there is this difference. Knowledge can be ascertained by trial and demonstration, and it can easily be preserved and increased. It is with difficulty that there can be any real proof of holiness of life, which is an internal matter and,

unless through continual exercise it is deeply rooted, it will most easily be lost amid the occasions of the world.

Since the Church is wont to promote those only who offer themselves spontaneously, and since the clerical state demands that those only should be promoted to it who are fitted for it, it is of the utmost importance that a man who offers himself should know that he is furnished with due dispositions. As regards knowledge, he can leave the question to the Bishop, and rest satisfied with his decision, since he has full power of examination, and it belongs to him to form a judgment with regard to sufficiency of knowledge. With regard to holiness of life, the Church takes external holiness as a sign of internal holiness, and presumes therefrom. This presumption, however, must yield to the truth—that is, to the cogency of facts. He, therefore, who is conscious that he has not the due moral dispositions, cannot acquiesce in the judgment of the Church in admitting him, since she would certainly reject him, if she knew him as he is.

Internal dispositions of holiness do not in themselves constitute a divine internal vocation. A man may be most holy, and yet at the same time not called to the clericate. Vocation, or calling by God, so far as God is concerned, is a counsel of the Divine providence which ordains individual creatures towards their several ends, and chooses a particular man to a certain *special* state, and provides for him the aids which belong thereto. If a man is to remain in the *common* state, it is sufficient that he should have no vocation to a *peculiar* state. Observance of the precepts is prescribed to all men, and the state of a layman is permitted to all men, unless God should call any man to a higher life.

Vocation is a manifestation of this counsel through internal inspiration, more or less efficacious. As a general rule this counsel is wont to manifest itself when a man, keeping carefully in view his last end, feels himself, not once and again but frequently, affected towards the clerical state and its functions, and finds consolation therein, and on continued consideration thinks that in that state he will easily attain to his salvation. Every one is conscious of a vocation which is really there, even if, perchance, he does not yet know that it is that which is called a divine vocation. God may speak internally to hearts which are not yet cleansed. As it is not that all the holy are called to the priesthood, so not seldom it is that those are called who by their own wickedness render themselves unworthy of their calling. Although they cannot follow their vocation while they remain unworthy, they are, nevertheless, bound to make themselves worthy, so that they may follow their vocation.

Not to follow a divine vocation is not at least a grievous sin, looking to the matter in itself, and apart from the effects of it. Vocation is not a precept, but a persuasion and affection, and the necessary means of salvation are always at hand in every state of life, and for all men, so long as they are yet alive. To enter, on the other hand,

with a positive unworthiness, on a state which demands worthiness, is an inordinateness which is anything but small, and is in itself a grievous sin. Many and various cases may occur, and with regard to them our ideas ought to be clear. A man may offer himself for the ecclesiastical state without any vocation, and this man may be either good or bad. A man, who has been really called, may not offer himself, and this man again may be either good or bad. If a man who has not been called comes, and he is bad and comes for a bad end, he certainly exposes himself to some peril of his own salvation, and of being an occasion of the damnation of other men. He does so not merely by his coming unworthily, but because he cannot count upon the aids of the state on which he enters, and it is not likely that he will easily amend his life, but will naturally go from bad to worse.

If a man, on the other hand, enters on the clerical state who is a man of good life, but nevertheless without any vocation—and this may happen if from fear of some fellow man, or from any similar motive, he has been, as it were, compelled to receive orders—he will not be in grievous peril either of losing his own soul or of damaging other souls. If he goes on living a good life, and this in his case ought not to be hard, he will be a priest who is more or less useful in many ways, and one who through his daily Mass will not fail to receive all necessary and befitting graces.

With regard to the man who has really been called to the ecclesiastical state, and who not only refuses to enter that state, but is at the same time a bad man, he will not, so long as he has not amended his life, be bound to offer himself to the ecclesiastical state. He will be bound only to amend his life. If, however, that man cannot with any solid reason hope to be able to lead a holy life in celibacy, even after he has repented of his past life, and even after he has repented of not having followed his vocation which, as we have seen, was not of precept, we can only say that, although, absolutely speaking, he was at one time really called, he is now no longer called. See Ballerini, *Opus Theologicum Morale*, pp. 133, 173.

Not only must a man's intention be good, but his will to enter the religious state must be spontaneous and voluntary. Hence a man does not enter rightly who enters from fear or merely from filial reverence for his parents.

Before the Holy Ghost has begun to call a man to the religious state, it is rarely expedient to directly induce him to embrace that state. It is well, however, to excite and lead him towards fear of God and purity of conscience and avoidance of every peril of sin, and at the

same time to set before him the advantages and excellence of the religious state.

The Council of Trent excommunicates both those who by force or fear compel women to enter religion, and those also who hinder them without just cause.

Paternal power cannot take away the right which sons and daughters have to make their own choice of a state of life and, if they will, to follow Christ's counsels. The duty, however, which filial piety demands, ought not to be disregarded, and the leave of parents ought to be asked. If it is straightway refused, their children ought not at once to take their departure, but should wait for some little time till the parents have realised their obligation. If they can easily obtain the consent of their parents, they ought not to go away without the parental benediction. If, however, there should be danger of the parents *unjustly* hindering the fulfilment of their children's vocation, they may and ought to go without their parents' knowledge. To avoid scandals and useless contentions, regard is also to be had to the laws of the country which define the authority of fathers over their children. Parents have right to make some trial of the vocation of their children, before they enter the noviceship, lest they should be imprudently exposing themselves to rejection, with annoyance to their family, and the useless spending of a year. It is not, however, lawful for parents to insist, by way of trial, that their children should first taste the pleasures of the world. If by these they should happen to be affected, the parents would not have reason to conclude that there had not been a true vocation. There may be a true vocation which is wrongfully abandoned. See Ballerini, *Opus Theologicum Morale*, vol. iv. page 121.

By common custom of the Church, something is received by monasteries of Nuns for the fitting support of the religious. This is called the Nun's dowry, and with regard to it there may be a bargain. In this there is no simony. The money is taken not as the price of her profession, but only as the means of her support.

The Council of Trent, in order to provide for the liberty of the novice, forbids, under pain of anathema, parents, relations or guardians under any pretext to give to the monastery, except for the novice's food and clothing during the noviceship, any of the novice's goods before profession, lest the novice should be hindered from going away through the monastery's being in

possession of the whole or great part of his worldly substance.

6

A man cannot enter a religious order unless he is received by that order. Entrance and reception are correlatives. They are counterparts in a human contract, which cannot be perfected except by mutual consent of the parties to that contract.

Two things are necessary in order to the act of reception—namely, power to receive subjects, and due exercise of that power.

Power to receive subjects is necessary, not only in order to the lawfulness, but in order also to the validity of their reception into the religious state. Without power of acting, nothing can be transacted. Without power of contracting, no contract can be valid.

Power to receive candidates into the religious state exists primarily and principally in the Sovereign Pontiff. His Holiness, however, is not in the habit of directly or immediately exercising this power. The power exists immediately and proximately in every religious body which has been approved by the Apostolic See, and it so exists in such bodies alone. It is conferred by means of Apostolic approbation. It is intrinsically included therein. If a religious body had not power to receive members, it could not continue to exist. This power, which belongs to the religious body, is exercised by the head of that body, or by that superior who is designated by the Rule and Constitutions, or custom of the Order, or by the Privileges which have been granted to it by the Apostolic See.

The form and mode of reception is determined, as regards both validity and lawfulness, in accordance with the Constitutions and Institutes of the various Orders.

Supposing a concurrence of all things which are necessary, both on the part of the candidate and on

the part of the Order, a superior who has power to receive subjects is bound by his office, and of charity, to receive a postulant into the Order, unless there should exist some reasonable cause to excuse him. The superior is bound as regards his own Order, which is thereby increased in its numbers, and which thereby so far fulfils its end. He is bound also as regards his neighbour. He would otherwise be without cause depriving his neighbour of a great benefit. This benefit, which is supplied not from his own goods but from the common goods of Christ and of Christ's Church, the superior is bound as a faithful dispenser to bestow upon the postulant.

This obligation might, however, for many causes not exist. The Order might, for instance, not possess a sufficiency of temporal goods, and the support of a new religious would be a grievous burden. In case of doubt with regard to the expediency of admission, the superior is free not to admit the postulant. If the superior is in good faith, and uses fair and ordinary diligence, without personal dislike or other inordinate affection, he is safe in making his decision.

7

The first and principal *effect* of entrance into the religious state is that from the date of entrance is computed the term of the novice's probation, which is requisite for profession. In lawfulness of entrance, therefore, is founded validity of profession.

A second effect of entrance into religion is that the novice, so long as he retains the habit, cannot *lawfully* contract matrimony. If he should contract it, however, the contract will be *valid*. Entrance into religion does not bind the novice to perseverance and profession.

A third effect of entrance into religion may be freedom from every previous vow or promise. Previous vows are not properly *abolished*. During the noviceship they are *suspended*. They may afterwards bind, if the religious

habit should be abandoned. The suspension is made by way of commutation into that which is of itself a better thing than is a good thing which is merely good.

A fourth effect of entrance into religion is to annul the *obligation of espousals*, so far as concerns the other party who remains in the world. He or she will not be bound to wait, but may at once contract espousals with another. If, however, the party in the world has waited, and desires fulfilment of the espousals, the other party, if he or she has not persevered in religious life, will be bound by his or her contract.

A fifth effect of entrance into religion is enjoyment of the *privileges of clerics*. This includes not only the protection of excommunication from being bodily assaulted, but also the privilege of immunity as an ecclesiastical person from secular tribunals.

8

No fixed period of probation, or term of noviceship, before profession, is necessary of *divine* law. Looking to the religious state in itself and apart from any religious Order or Rule, that state might be, and in ancient times was embraced without any definite noviceship, or noviceship properly so called. The matter was left to the judgment of the Bishop, or of him who had power to receive the donation of himself which was made by the religious.

Probation, by means of noviceship, is required in a *cenobitic* religious state—that is to say, in a religious community.

By *positive* law there is required before religious profession a definite period of probation. This law was first introduced by private enactment of the religious Orders themselves. It afterwards passed into the common law of the Church, which fixed *one year* as the period of probation. This period was at that time regarded as in favour of both parties. Either the

order or the novice might renounce his right, and so by mutual consent shorten the period of probation. Apart from this renunciation, profession before the end of one year's probation would have been null and void. Nowadays, however, and since the date of the Council of Trent, in all religious bodies, both of men and women, and without any exception, there must be one year of probation. Profession made before this year has elapsed will be null and void.

It has been decreed by Pius IX. (*Veminem latet*, March 19th, 1857) that in all religious Orders of men which have solemn vows, simple vows only should be made at the end of the noviceship, the novice being also then of the age of at least sixteen years complete, and that these simple vows are to continue for at least three years, at the end of which the religious may be admitted to profession of solemn vows. The same Pontiff decreed by Brief (*Ad universalis*, February 7th, 1862) that profession of solemn vows in any religious family of men whatsoever should be wholly null and void, unless the novice should have previously made simple vows, and should have persevered under them for three years complete.

These decrees for religious families of men have been extended by Leo XIII. to religious families of women (*Perpensis temporum*, May 3rd, 1902), and through the Sacred Congregation of Bishops and Regulars, it was ordained as follows:—In all and every one of the monasteries of nuns, of whatsoever Order or Institute, in which solemn vows are made after probation and noviceship as prescribed by the Council of Trent, the Apostolic Constitutions, and the laws of the Order or Institute approved by the Holy See, the novices should make *simple* vows after they have completed the sixteen years of age laid down by the said Council of Trent, or a further age which may perhaps be required by the Constitutions of their own Order or Institute, as approved by the Holy See. (2) The professed, after completion of three years, to be computed from the day on which they made simple vows, will, if they are found worthy, be admitted to profession of solemn vows; there being taken away from everyone whomsoever the power of dispensing in this matter; so that if anyone should, without the entire three years being exactly accomplished, be admitted to solemn profession for whatsoever cause, that profession will be altogether null, and of none effect. (3) There are declared, however, to remain firm each in its own vigour, Indults already bestowed by the Holy See, by force of which the profession of simple vows may, in some places or Institutes, be made for a longer time. (4) Besides this, for just and reasonable causes, of which both the Superioress of the Monastery and the Mistress of Novices ought to certify in writing, the Ordinary may, for monasteries

subject to his jurisdiction, and the Superior General or Provincial, for monasteries which enjoy the privilege of exemption, indulge in particular cases, that profession of solemn vows may be delayed, not, however, beyond the age of twenty-five years complete. (5) Simple vows are perpetual on the part of the person who makes them, and dispensation of them is reserved to the Roman Pontiff. (6) The professed of such simple vows enjoy the same indulgences, privileges, and spiritual favours, as the professed of solemn vows of the same monastery enjoy; and, if they die, have right to the same suffrages respectively. (7) They are bound to observance of the rules and constitutions no less than are the solemnly professed; and they are bound also to be present in choir. If, however, they are lawfully hindered from being present in choir, they are not bound to private recitation of the Divine Office. (8) The time prescribed by the Constitutions of any Order or Institute for attaining to *active* and *passive* voice is computed from the day of their making simple vows. The professed of simple vows, however, will never have a vote, or even a place, in the Chapter, in which there is question of their admission to solemn vows. They can be deputed for the lower offices of the community, but they cannot be elected to the offices of Superioress, Vicaress, Mistress of Novices, Assistant or Counsellor, or Economc. (9) Those have the right of seniority who have been the first to make their simple vows; so, however, that whosoever shall have, as aforesaid, delayed solemn profession beyond the three years, shall in the interim give place even to their juniors who have been solemnly professed, and will again receive their rights by reason of their previous profession, when they themselves make solemn vows (10) The appointed dowry for any monastery is to be delivered to that monastery before profession of *simple* vows. (11) The professed of simple vows retain the radical dominion of their goods, of which they cannot definitively dispose, except within the two months immediately preceding solemn profession. After the manner of the Council of Trent, the administration of the same goods is, however, wholly forbidden to them, and all erogation and use of all fruits of the same. They ought, therefore, before profession of *simple* vows, to yield up for the time that they will remain in the same profession of simple vows, the administration, usufruct, and use to whomsoever they please, and even to their own Order or Monastery, if on its part there is no obstacle, and they themselves in full freedom esteem this to be opportune. If, during the time of their simple vows, other goods should come to them by lawful title, they acquire the radical dominion of them, but they ought at once to yield up the administration, usufruct, and use, as aforesaid, with observance of the law of not abdicating the radical dominion except within the two months immediately preceding solemn profession. (12) In order to dismiss from the monastery the foresaid professed of simple vows, recourse must be had in every case to the Holy See, distinctly setting forth the grave cause which seems to advise, or to demand dismissal.

(13) To a Sister professed of simple vows, who leaves the monastery, whether on account of dispensation of her vows, asked from the Holy Apostolic See, or on account of a decree of dismissal, her dowry will be restored entire as regards the principal, with exclusion of the fruits.

The Ritual or Ceremonial received in a monastery is to be used in making the first Profession, with the accustomed formulas, with suppression of words, if there are any, which express *solemnity*, and with addition that the novice makes *simple* vows, in accordance with the Decree published by the Sacred Congregation of Bishops and Regulars, May 3rd, 1902.

The *second* Profession may be made privately in choir or in an interior oratory, in presence of the community, in the hands of the Superioress, with previous approbation of the Ordinary, or of the Regular Prelate in the case of exempt monasteries.

A Chapter is to be held before *solemn* profession, but its vote is merely consultative, with place for discussion of the qualifications of the candidate, followed by a scrutiny with secret suffrages. If all or most of the suffrages are against admission to solemn profession, so that, looking to Article 4 of the Decree *Perpensis*, there should be question of the dismissal of the Sister from the monastery, the matter will be submitted to the judgment of the Holy See, to which, therefore, the Ordinary, or, in the case of exempt monasteries, the Regular Prelate, will transmit a distinct account of the whole case.—Answer of the Sacred Congregation of Bishops and Regulars, July 28th, 1902.

9

The year of probation begins on the day on which the postulant is admitted into the Order in the state of a novice, in order that he may begin to be proved therein. There is a contract between the Order and the future religious. By this contract both agree to make mutual trial of each other in order to a certain *end*—in a certain *way*—and for a certain *time*.

Probation supposes freedom either to embrace or to abandon the religious state. Probation is ordained in order that a man may ascertain by experience whether or not the religious state is expedient for him individually.

A novice has a habitual relation to and union with the Order into which he has entered, which he did not have when he was not a novice. This cannot be contracted without some positive human act. That act is,

in the case of a novice, his delivery of himself, with acceptance of that delivery by the Order, *for the purpose of probation.* This and all the outward signs of this, which are necessary to it, are of the *substance* of the state of noviceship. In this sense bestowal and reception of the religious habit is reckoned to be of the substance of the religious state.

In this way the religious Order acquires a right to govern the novice, and to impose upon him certain burdens for the purpose of proving and making trial of him. The novice is, on his part, bound to obey, and he is so bound that he may be compelled to obey.

Actual probation is not of the *substance* of the *state* of probation. If the novice perseveres in the state of probation, he is there persevering for the purpose of being proved. It is not his fault if he is not being proved. He ought not therefore to suffer for this. His not having been duly proved will not be any impediment to the validity of his profession.

If a novice should resist actual probation, it is thereby sufficiently ascertained that he is not suited for the religious state.

To dwell within the cloister during the period of probation is of the *substance* of noviceship in this sense, that wheresoever the religious is living he is considered, if he is living there under obedience to his superior, to be within his religious cloister. If a novice should be sent anywhere else by his superior, and even if he should remain there for many months, he will nevertheless be truly *on probation*, since he is truly living under obedience to his Superior.

If a novice should, however, of his own accord desert his cloister, he will thereby cease to be *on probation*—that is to say, if he departs with the intention of not returning. It is not of itself sufficient to interrupt his probation that he goes away without leave. The novice must intend in going away to place himself outside obedience to his

superior. If a novice were to fall sick and to remain in bed during the whole time of his noviceship, that time would, nevertheless, be a true period of probation, and he might at the end of it be professed. So far as in him lay, he was remaining in the *state* of probation. Absence of *actual* probation was accidental. Although actual probation is the *end* of the state of probation, it is nevertheless not of the *substance* of that state. In such a case, moreover, the novice would be sufficiently proved by means of his infirmity. The Order would have sufficient knowledge of his character and fitness for the religious state. He would himself have experience of its manner of life, and even if he had not personal experience of its austerity of life, he could have knowledge of this in other ways.*

10

The period of probation is to be reckoned from moment to moment. If the novice should put on the habit, say on the first day of January after noon, he cannot be professed on the same day of the next January *before* noon. Apart from this, it is not to be said that *a year and a day is necessary*. There is no law which prescribes a year and a day.

The period of probation must be *continuous*. There are two ways in which the continuity of the time may be interrupted. First, by profession before the end of it with the intention and in the belief that true profession is being made. The novice would be then no longer on probation. Secondly, by abandoning the habit, and departing from religion. He would thereby cease to be on probation. The period of probation would be interrupted even if on the very same day he should repent. He will have again to be received, so as to be again a novice, and there will then begin a new and distinct noviceship.

If the novice departs with the intention of returning,

* For the practice, however, in the case of Institutes erected under the Sacred Congregation of Bishops and Regulars see the last chapter of this work.

and especially if he departs in the habit, his noviceship will not be interrupted, even by an absence of some days.

It is not by every laying aside of the habit that the period of probation is interrupted. It is one thing to *put off* the habit, and it is another thing to *abandon* the habit. He puts off the habit who lays it aside for a time. He abandons the habit who lays it aside with the intention of not resuming it. The habit may sometimes be put off with leave of the superior, or for the sake of penance, or by dispensation, and the novice is not therefore reckoned to have morally changed his state of a novice. Even if the habit has been put off by the novice himself without leave and against rule, or in order that he may more freely commit some sin, his noviceship will not be interrupted. By abandonment of the habit, on the other hand, the noviceship is interrupted, because the novice's *state* as a novice is changed. The abandonment, however, must be not merely contemplated, or begun, but completely carried out.

The same laws which establish a period of probation in the religious state ordain also, as a consequence, that at the end of that period a judgment should immediately be formed with regard to the fitness of the novice. If this judgment is favourable, he should then be admitted to profession. If the judgment is unfavourable, and he is nevertheless permitted to remain, it must still be in the state of probation.

11

A novice is not bound *in conscience* to regular observance. He has not made any vow by reason of which this obligation should arise. A novice ought, nevertheless, to be in some way subject to religious discipline, so long as he remains in the religious community. He is not bound by any new or special bond of obligation to observance of chastity, over and above that obligation

which springs from the law of nature. On account of scandal, however, and looking to the honour of the religious habit and of the Order, a novice is bound to observe chastity by a greater *accidental* obligation.

With regard to poverty, a novice is not bound to any action or omission which concerns poverty, inasmuch as he has not yet made a vow of poverty. By the law of *justice*, however, he is bound not to appropriate the goods of the Order, because those goods are not his own. To appropriate them would be to commit a theft. This theft would be sacrilegious, since the goods of the Order are sacred and dedicated to God.

A novice can possess and dispose of his own property. He can both validly and lawfully acquire property, even without leave of his superior, either by testament or gift, or in any other way which is not at variance with his state ; since he is not hindered from doing so either by vow, or by law. A novice who is dying in the monastery before profession can freely leave his goods by testament to whomsoever he pleases, passing over the monastery altogether.

An Order, even when it possesses the right of *filiation* —that is, the right of inheritance in name and place of a deceased religious, does not succeed as heir to an intestate novice. A novice who dies *before* profession is not truly a religious, and therefore the Order has no ground of succession to him as intestate. It has this right then only when the religious has rendered himself incapable of ownership, and has transferred his right of property to the Order.

Donations and dispositions of goods during life are forbidden to novices by the Council of Trent, except with certain prescribed solemnities. Even with these, it is ordained that the donation shall be of no effect if profession should not follow.

This refers to donations of considerable value, or of real property.

Novices of the Society of Jesus can validly make donations, and renunciation of goods, without observing the forms prescribed by the Council of Trent, which in its decree excepted the Society. Donations made by the novices, after the first year of noviceship, are valid, even if those novices should not persevere.

As regards obedience a novice cannot be directly bound *in conscience* by a precept of his superior, since he has not yet promised obedience to him. A novice is, in like manner, not bound *in conscience* to observance of the Rule, since he has not as yet professed it. A novice is bound, however, not to give scandal or bad example to the other religious. He may sometimes be bound, therefore, either to abandon the religious state or to observe the Rule, at least in public and community matters. He is always bound so to subject himself to religious discipline as not to resist it by violence. This is necessary in order to government. There would otherwise be utter disorder and confusion. When a novice receives the habit he virtually binds himself to such subjection. He thereby enters into a covenant with the Order that, since he is to be supported, taught, and directed by it, he should, so long as he remains in it, submit himself to its religious correction. The superior of the Order stands to the novice, so long as he remains a novice, in place of his parish priest *(parochus)* or Bishop. Although the superior cannot bind the novice *under precept* to do works of counsel, he can nevertheless prescribe, and, if necessary, *under censures*, all things that his parish priest or his Bishop could have prescribed. He has power to do this in virtue, not of a vow of obedience which as yet does not exist, but of the ecclesiastical jurisdiction which has been bestowed on him by the Sovereign Pontiff.

CHAPTER IV

RELIGIOUS PROFESSION

Religious profession is that act by which a person, whose desire it is to be a religious, publicly, solemnly, and permanently embraces the religious state. True and valid profession is so essentially of the *substance* of the religious state that previous to profession a man is not truly and properly a religious, while by means of profession he becomes a religious.

The donation and delivery which a religious makes of himself to the Order which he enters, or makes to God in that Order, through its Superior, is of the substance of religious profession. The acceptance of this by the Order, through the Superior, is also of the substance of religious profession.

In order that a man should be constituted in the religious state, a promise is not sufficient. He must deprive himself of the right which he has hitherto possessed over himself as regards his actions, and transfer that right to another.

The power which a religious Superior possesses to invalidate any private vows of his subjects is founded not in his power of jurisdiction, but in the *dominative power* which he acquires over his subjects in virtue of their donation and delivery of themselves which he has accepted.

By means of religious profession there is transferred, along with the person of the religious, all his goods and all his rights, to the Order. Whatsoever he may henceforth acquire, whether by hereditary right, or by donation

or otherwise, passes at once to the Order. The fundamental reason of this is because the religious has wholly delivered *himself* to the Order.

Besides a man's delivery of himself to a religious Order, the three vows of poverty, of chastity, and of obedience are of the substance of religious profession. They are of the substance of the religious state, and whatever is of the substance of the religious state is of the substance also of religious profession.

The formal effect of religious profession includes at once a *bondage* and a *sonship*. The two, so far as God is concerned, are not incompatible. The religious state is a state of *bondage*, inasmuch as it is ordained for the purpose of giving to God homage and service. It is, at the same time, a state of *sonship*. The formal effect of religious profession has in it more of sonship than it has of bondage.

Although a man's donation and delivery of himself, and the three substantial vows, are in themselves and formally distinct, there nevertheless coalesces from them together the substance of religious profession, by way of one perfect and completed moral contract.

2

Some external formality, such as should sufficiently exhibit the mutual consent both of the religious and of the Order, is necessary in order that religious profession should be completed, and that the bond which springs from religious profession should emerge. This follows from the general idea of a human contract. A contract between men, although it requires internal consent, is not completed by internal consent alone. Without external signs men cannot recognise and accept their mutual consents.

Although in religious profession it is principally a

bond of obligation towards God which is established, there is also in religious profession a human contract as between men. Religious profession cannot therefore be made without some sign which is an object of the senses, as in the similar case of matrimony. The religious state exists not only before God, but also before God's Church, and it contains a special grade or class of persons within God's *visible* church. It must therefore be constituted by some act which is an object of the senses.

It is necessary that the sign of consent should be sufficiently expressive of consent, such as is, for instance, an utterance of the human voice. Ordinarily, however, words are required only on the part of the person who is making profession. On the part of the religious superior who receives him, any external sign will suffice by which the superior signifies that he accepts the profession. Verbal expression on the part of the person professed is made sufficiently by his assent to interrogatories on the part of the superior who receives him, the assent being manifested by any external sign whatsoever; such as, for instance, an inclination of the head, as also suffices in the parallel case of matrimony. Taken in conjunction with sufficiently express interrogation, the external sign of consent is invested with and shares in the full significance of the words of interrogation.

So far as common law is concerned, and apart from positive law, writing is not necessary. By the special law, however, of some Orders profession is made in writing. By the law of the Benedictine Order, for instance, he who is professed places his profession, written and subscribed, upon the altar. In the Society of Jesus, the vows are written and are read from the manuscript. Where this form of making the vows has been prescribed, it is to be observed, both in order to observance of the Rule, and also to remove

all risk of question of validity. If, in a Rule which has been approved and confirmed by the Sovereign Pontiff, this condition is expressly laid down as essential, it must be regarded as essential.

Although it is not expressly defined by common law, the nature of the act of profession demands that it should be made before sufficient witnesses, in order to its being rightly made. Since by means of religious profession a special state in the Church is embraced, the Church ought to have evidence of the fact. By the law of the Society of Jesus it is essential that the vows of the solemnly professed should be read before some members of the Society and some externs.

The form of profession must sufficiently express the obligation of the three vows, along with the donation and delivery of himself by the religious to that particular religious Order in which he is making profession. The formulas of profession vary, however, in different Orders. In some of them the separate vows are not distinctly expressed, nor is the donation and delivery, as distinct from the vows, explicitly expressed.

3

By religious profession a man is incorporated into the body of Religion as an actual member thereof. A particular member cannot, however, be really united to a body in the abstract, but only to a certain and determinate body. A man cannot actually be a citizen in the abstract and a citizen of no city in particular, nor can he be a servant in the abstract, and not the servant of this or of that man.

Neither Bishops, nor any persons inferior to the Sovereign Pontiff have power to admit to religious profession without incorporating the professed into some approved religious community. The Sovereign Pontiff has power to dispense from common law, and therefore, by the fact of his receiving anyone to religious profession, without incorporating him into any determinate

religious body, he is *approving the state of that person* and his mode of life *as an individual*. A person so professed would not be bound to any one of the approved religious Orders, but only to that state which he had professed, under obedience to the Sovereign Pontiff, or to some particular man as a special vicar of the Pontiff, in that private mode of life, and without obligation to any determinate religious Rule.

4

In order to the validity of religious profession the formula of profession must be so absolute as not to include any condition which is destructive of the *substance* of the religious state. If a man were, for instance, to be professed under condition of his retaining his property, this condition would be subversive of the substance of solemn profession.

Profession made under a condition which regards the future is null and void, so far as the bond of profession is concerned. Since profession consists in *actual* donation and delivery, it is of the substance of profession that this should *at once* take effect. Even if the condition should afterwards be fulfilled, the previous consent will not suffice. A new consent with actual donation and delivery will be necessary. Professions under condition are mere *promises* affecting the future. Although a promise, as such, induces an obligation in the present, the execution of the obligation has regard to the future. The obligation which is induced by a conditional profession would be similar to that of conditional matrimony, which is regarded as equivalent to espousals, which bind the parties to contract matrimony on fulfilment of the condition.

Reception of a habit on entrance into a monastery, or that the profession should be made in a church, being circumstances which are very extrinsic to the contract,

are not of the *substance*, and do not belong to the *validity* of religious profession.

5

Among extrinsic effects of religious profession, which follow, not in virtue of profession alone, but from certain privileges which are annexed thereto, either ecclesiastical or of divine concession, there may be several—such as removal of irregularities—exemption of the religious from the jurisdiction of ordinary judges—reception of them by the Apostolic See under its own special government—and capacity for having pontifical jurisdiction communicated to them.

St Thomas attributes to religious profession, and as an effect of religious profession, remission of all punishment which is due for sin, and this as it were *ex opere operato*. He does so on the ground that if a man by means of some alms can satisfy for his past sins, that man can satisfy for all his past sins who gives himself wholly and without reserve to the service of God. Such an offering exceeds every kind of satisfaction, or even of public penance, in the same way as a holocaust exceeds a sacrifice.

Religious profession is, according to St Thomas, an act which is so excellent that, if it is made in an ordinary way from an affection of charity, even if without extraordinary fervour, it suffices, as a rule, to satisfy for all sins of the past. This effect therefore would follow, not from extrinsic privilege, but from the perfection of an act which is such as is religious profession. Besides this, however, there has been granted to some Orders, by concession of the Sovereign Pontiff, as for example to the Society of Jesus, a plenary indulgence at entrance into the Order, and another at the hour of death.

6

All previous vows are extinguished by religious profession, by way of *commutation* into something which is

better than these vows are, and which comprehends them. A vow as such, and of its own nature, always includes the condition that it should not hinder a still greater good. Religion is a greater good than is any temporal good or than is any particular spiritual good which is or can be vowed. He who professes religion does not therefore act at variance with his previous vows. He is simply acting in exercise of a right, which was always understood as reserved in his previous vows. Those vows consequently cease with the conditions under which they were made.

A man in favour of whom a vow is made does not acquire a right *in* the thing which is vowed. The vow therefore remains a mere vow, and as such it is extinguished by religious profession.

In the commutation of a vow, the obligation of that vow is not taken away. The matter of the vow is changed into other matter. The professed must intend this commutation. He who is already bound by one vow, and who makes another which is better, does not thereby *commute* the one vow into the other vow, unless he had the intention of taking the second vow in place of the first vow, and not an intention of conjoining the two.

7

The bond of religious profession is indissoluble on the part of him who contracts it. His own will alone can never suffice to break it. He cannot of his own accord recover his liberty, nor can he compel the Order to grant to him his liberty. This follows from the idea of perpetual bondage which is contracted, and the absolute donation of himself which is made by the religious in his profession, and which is involved in profession. Perpetual bondage and absolute donation cannot be recalled at a servant's or at a donor's will.

After absolute and solemn profession, which has been

accepted by a duly approved religious Order, that Order has not the power, in virtue of its own will alone, to dismiss the religious *against his will*. The Order cannot release him from the bond of profession, nor can it divest him of the religious state, nor compel him to accept dismissal.

A solemnly professed religious, even if he should be expelled for ever from his Order, and exempted from the *actual* yoke of religion, always remains a religious. He may consequently be compelled by the Order, or, at any-rate, by the Sovereign Pontiff, to return to the religious habit and to religious observance.

When a religious Order accepts the donation and delivery of himself which is made by a religious in his profession, the Order does not accept it as a merely liberal or *gratuitous* donation. The Order accepts it as forming part of an *onerous* and *mutual* contract. It thereby absolutely binds itself to retain the religious, to support him, to educate him, and to govern him.

By the expulsion of a solemnly professed religious, however just his expulsion may be, and even if it is perpetual, the previous *bond* of profession is never wholly rescinded.

It is not rescinded on the part of the religious, as regards his donation and delivery of himself to the Order. It is not rescinded on the part of the Order, which does not lose its right of ownership over the expelled religious, so long as he does not enter, and has not been professed in another religious Order.

Religious who have been expelled from exempt Orders are bound to obey the local Bishop, not only as he is the diocesan Bishop, but also as he is their own religious superior. By their expulsion those religious have lost the privilege of exemption from the jurisdiction of the local Bishop.

A solemnly professed religious has deprived himself entirely of the power of retracting his covenant, and his

donation and delivery of himself, since, so far as he is concerned, he has absolutely transferred all his rights to God. His Order has, on its part, so accepted this donation and delivery as to acquire an absolute dominion over its religious subject, and that—for God principally—and for itself ministerially. This acceptance the Order has no longer any power to retract. It cannot retract it in its own name since the right has already passed specially to God. It cannot retract it in the name of God, since the superior is not entrusted with this ministry. This ministry belongs only to the Sovereign Pontiff, as he is the Vicar of Christ. He alone has power to dispense the goods and rights which have been *specially* acquired by God.

It involves contradiction to say that acceptance of religious profession should be entirely absolute, and that there should at the same time remain power in the Order to deprive the professed of his religious state.

8

The Sovereign Pontiff has power to dispense from solemn religious profession, and to effect that he who has been hitherto a solemnly professed religious should be no longer a religious.

The Sovereign Pontiff, as he is also the Supreme Prelate of every religious Order, has power to dispense in everything which belongs to any Order, and to cede the rights of any Order for just and reasonable causes. Besides the *dominative power* which belongs to him as he is Supreme Prelate of every religious Order, he possesses also, and that as he is Supreme Pontiff, supreme *jurisdiction* over the whole Church. In virtue of this supreme jurisdiction the Pontiff is supreme dispenser of all ecclesiastical goods and rights. Among these there is included the *right* which is acquired by a religious Order over its subject, in virtue of that subject's religious profession.

The Sovereign Pontiff can, therefore, and that without

doing any injury or wrong to an Order, dispense the profession of any one of its subjects, when he deems this to be necessary for the common good.

The Sovereign Pontiff has power to dispense from religious profession even in view of the greater good of an individual religious. The right which has been acquired by his Order is not a rigorous right of property ordained for its own private benefit. It is a right which has been ordained for the good of the religious himself and for the greater service of God.

As a matter of actual fact and present practice, and so far as *ordinary* law is concerned, the Sovereign Pontiff alone has power to dispense from the *bond* of religious profession. As he can reserve to himself dispensation of simple vows of chastity and of entrance into religion, with still more reason can he reserve to himself dispensation from religious profession. The Pontiff's power follows also from his having reserved to himself the approbation of religious Orders, and from his having exempted them from the jurisdiction of the local Ordinaries, and received them under his own particular charge and special protection. During the period antecedent to this reservation by the Apostolic See, the Bishops had power to dispense the profession of religious who were subject to them.

9

Religious profession, like other human contracts and vows, may be invalid. It may be invalid in as many ways as there are conditions which are necessary in order to the validity of it. Sometimes religious profession may be invalid by the law of nature, and sometimes by ecclesiastical law, sometimes from an internal defect, and sometimes from an external defect.

On the part of a religious Order four conditions are required in order to the validity of religious profession. These are—pontifical approbation of the community as a religious Order—lawful power in the Superior who in

name of the Order receives the profession—his internal consent—and his sufficient external acceptance.

On the part of the religious also there are several necessary conditions in order to the validity of his profession. He must have attained the age which is required by law—had a full year of probation—and be free from every such bond as would by law hinder the validity of religious profession. He must also, of course, be free from bias through fraud or through such fear as would affect a constant man, and he must have intention to make profession, and of this there must be sufficient external manifestation.

Sometimes religious profession is null and void in such a way that it can never be rectified or made valid. This will be the case if it has been made in accordance with a Rule, and in a community which has not been approved by the Apostolic See as constituting a religious state. Even if such a body should subsequently be approved, this will not be a ratification of previous profession. Subsequent profession will be religious profession which is made for the first time.

The vows, however, which were made in that invalid profession, although they did not induce the bond of *religious profession*, have nevertheless validity *as vows*, apart from any intrinsic impediment which may attach to them as vows.

Profession which was invalid is never confirmed simply by lapse of time, even if the defect, by reason of which it was invalid, should be removed, as, for instance, want of lawful age. There must, as in the case of invalid marriage, which can never begin to be valid solely by lapse of time, be reiteration of consent, after removal of the defect. This must be done in such a way as will be efficacious in the present to induce a bond of obligation. Profession which was null and void is, therefore, said to be ratified, not in the sense that the first profession now *begins to be* valid, but because in

place of the first invalid profession there is now effected a *new and valid* profession.

He who is thus to ratify invalid profession must have knowledge of the previous defect and nullity of it. Without this knowledge there cannot exist a new consent, and sufficient intention to ratify the profession. It is not sufficient that during the time of ignorance of the nullity the person was in the disposition, and had the will to remain in religion. This is not a will to vow, or to make profession. It is only a *disposition* or will to fulfil an obligation which is *supposed* already to exist. Such a will is not sufficient to ratify a vow.

If the reception to the religious habit was null, no part of the term of probation which was founded upon it can be reckoned in order to complete the year of probation which is necessary to validity of profession. There must be a new and valid reception, and therefore an entire year of probation before profession.

If the reception to the religious habit was valid, but the profession was null, as having been made *before the end* of the term of probation, the whole time of perseverance in religion under the idea of valid profession will in no way avail towards completion of the year of probation. During that time the person was not *on probation*. It was not therefore a time of noviceship.

He who has been invalidly professed can lawfully refuse to ratify his profession. He is free to abandon the habit without in conscience incurring the ecclesiastical penalties of apostasy or excommunication, since his invalid profession did not constitute him a religious, nor did it bind him to perseverance.

An assertion made by a religious that he had no intention to make profession is not to be believed, even if he should confirm it by an oath, unless his statement

should be corroborated by other sufficient proof. His external profession begets a vehement presumption against his oath. There is here question also of prejudice to another's right, the right, namely, of the Order which, in virtue of his accepted profession, has acquired a right over him, as well as prejudice to God Himself, to Whom this right principally belongs. It is furthermore to the prejudice of the common good, and of the whole religious state. If an oath were admitted in such circumstances, the door would be opened to countless frauds, and nothing would remain stable in the religious state. By the mere fact that the person affirms and is ready to swear that he had not the intention to make profession, he confesses that he acted fraudulently and faithlessly, and that therefore he is not worthy of belief.

In order that the Church should regard a profession as null and void, it is not sufficient that it should not be proved to have been validly made. If there is a doubt, the doubt will be given in favour of the profession, as a doubt is given in the same way in the parallel case of matrimony.

It is certain, as the Sacred Congregation of the Council has several times declared, that the Renovation of vows which is made annually in some Orders, as prescribed by their Rules, which have been approved by the Apostolic See, does not render an invalid profession valid. The reason is because it is made of necessity by precept of the Rule. If, however, in any Institute, it is lawfully declared, and the renovants are previously instructed that their renovations of their vows are to have the force of the first making of them, if perchance their first vows should, through some defect, have been of no effect, then he who knows and understands this does himself truly will and bind himself afresh. This is therefore a true voluntary obligation, as real as is that by which he binds himself who for the first time makes his vows. This is the case in the Society of Jesus, as regards the renovations of simple vows, which are made by the scholastics. See Ballerini, *Opus Theologicum Morale*, vol. iv. p. 38.

An Answer of the Sacred Congregation of Rites, January 10, 1879, with regard to the Renovation of vows made by Nuns, declares that a custom according to which the Sisters singly recite the formula of

renovation, and then receive the Blessed Sacrament, the priest meantime standing at the altar-rails, and holding the Sacred Host—is not lawful, and is utterly to be eliminated. It declares also that the renovation will be made more fittingly outside Mass, and that the utmost that will be *tolerated* during Mass is that the formula of renovation of vows should be pronounced aloud by one of the Nuns, and mentally ratified by the rest.

CHAPTER V

RELIGIOUS POVERTY

THE idea of *voluntary* poverty includes both the *will* not to possess riches—and also *actual absence* of riches. *Involuntary* poverty denotes only the latter. This kind of poverty may be an incentive to vice, instead of being a means towards progress in virtue.

As voluntarily to embrace poverty is itself a good deed of supererogation, so also to promise poverty by vow, and to consecrate poverty to God, is a work of counsel. It is an act which is better than is a good act which is merely good. From the words of Christ, when He counselled poverty, it may be gathered that He counselled also *a vow* of poverty. If He counselled poverty, He counselled perpetuity of poverty. To secure perpetuity is one purpose of a vow. Moreover, when Christ counselled poverty in order to perfection, He still more evidently counselled perfection itself. The voluntary poverty, which is consecrated to God by vow, is more perfect in itself, and it is also more conducive towards perfection. St Thomas observes that Christ, in teaching what is necessary to perfection, comprehends that which is necessary in order to the stability of a purpose of perfection. This stability is effected by means of a vow.

In order to a perfect "leaving of all things" it is necessary that all things should be so left that they cannot again be recovered. In the same way, goods which might possibly be acquired in the future are not "left," unless they are so left in affection and will that they may

not in the future be acquired and possessed. This necessitates a promise which concerns the future.

A simple vow of poverty may be made in two ways—(1) either by surrendering all *private ownership* or *free use* of one's own goods, but so as that those goods may be possessed by a religious community of which the individual religious becomes a member, or (2) by a vow not to possess any goods, but this without any change of state, or without incorporation into any religious community.

Although goods which are relinquished by an individual are possessed by the religious community to which he himself belongs, that does not prevent his having made a true oblation of his goods to God. He has deprived himself of his dominion over them, or his right of ownership—of his right of using them—and even of his right to administer them in his own name, and by his own authority. That he still has the advantage of sufficient support is in no way contrary to the holiness and the religious character of a vow of poverty. The counsel to "leave all things" does not abrogate the law to provide for the necessities of the body. It causes this provision to be made with order, moderation, and humility.

It is certain that a simple vow of poverty which is made outside a religious community is lawful and good. Many Saints have led a solitary life, and have in that life practised poverty, and they most likely consecrated their poverty to God by vow; as, for instance, St Paul the Hermit, and others. St Anthony, St Benedict and others, who were afterwards fathers of monastic families, began by exercising themselves individually, and devoting themselves to God, in a life of solitary poverty.

Further, certain religious Orders have been pontifically approved, and *that* with the highest of approbations, in which *community poverty* as well as *individual poverty* is observed. That which is lawful for a community—namely,

to surrender all ownership of goods—must be equally lawful for an individual.

Voluntary poverty which is vowed in this way is not contrary to charity towards oneself. Human nature and human individuals need but few things. These few can easily be obtained, either by one's own labour, or by means of humble begging. Neither is this kind of voluntary poverty contrary to charity towards others. No force is used, and no necessity is laid on others by begging of their bounty. An opportunity is thereby afforded to them for exercise of their charity.

The Church desires poverty even in simple clerics, but only such poverty as beseems the clerical state and dignity. Hence she does not admit clerics to sacred orders who have not a secured income which is sufficient for their support, lest they should be driven to traffic, or to actions which are unbecoming to ecclesiastical persons. In the case of clerics of higher rank, and especially for Bishops, she desires a larger income, in order to their due maintenance in a manner befitting their condition. She does not, however, exclude from sacred orders or from ecclesiastical dignities those who are *voluntarily* poor, and who have professed poverty in a manner which has been approved by her. Since the date of the Council of Trent she requires for secular clerics either a benefice, or a suitable income or patrimony, as a title, in order to ordination. Hence a faculty from the Sovereign Pontiff is necessary in order that any cleric, who is not strictly a religious, should be admitted to sacred orders on the title of voluntary poverty.

A simple vow of poverty may be made apart from any vow of obedience, since poverty and the practice of poverty do not necessarily depend upon the will of a superior. A vow of poverty might be made even by the Sovereign Pontiff, and he has no superior.

2

Since poverty consists in privation or absence of riches, the only matter that poverty can have is by way of privation. The matter of poverty must be that of which it deprives, in the same way as sin is said to be the matter of the sacrament of penance. The *remote* matter of poverty consists in riches, privation of which constitutes poverty. The *proximate* matter of poverty is that action or that relation of a man with regard to riches, which is opposed to poverty. This includes all that relates to *ownership* of goods, or *right* to goods, or any *use* of goods which is equivalent to right, or which supposes right in the using of them.

The remote matter of poverty extends only to those external goods which are comprehended under the name of *riches*.

Although a man is not properly *master* of his own life, he has nevertheless a *right* to his life, and to the preservation of his life. This right he does not renounce by a vow of poverty. He cannot renounce it. It is not in his power to divest himself of his right to life. A man has the right to use both the members of his body, and the faculties of his soul, in order to the doing of his own actions, of which he is master. This right he can alienate. He alienates it when he voluntarily sells or gives himself into bondage. This right does not, however, belong to the matter of *poverty*. It is not reckoned amongst riches, which are extrinsic goods, but amongst corporeal goods, which are intrinsic to a man, Such intrinsic goods, so far as they can be matter of a vow, belong to the vow,—not of poverty, but—of obedience.

Internal spiritual goods, such as *grace* and *virtues*, do not belong to the matter of voluntary poverty. This poverty is promised and practised, as it is a means in order to the increase of these virtues and that grace.

Any lawful interference with the exercise of internal spiritual goods will belong to—the vow of *obedience*. It will in that case be ordained as a means in order to the increase and perfection of these spiritual goods. Reputation, or good name, does not belong to the matter of the vow of poverty. No man can deprive another of his good name without sin, and a man cannot lawfully deprive himself of his good name by his own act.

By *riches* we mean *money* — and whatsoever is *equivalent to money* —and can be reckoned *at a price* —or can be *converted into money.*

3

There are two ways in which a vow of poverty can be made. The vow may be made wholly and entirely, as comprehending everything which the idea of poverty can possibly include. It may be made also partially, by a promise of poverty under certain conditions or limitations. A man might, for instance, renounce the *use* or the *usufruct* of property without renouncing his right of *ownership*. If poverty is promised simply and absolutely, without any limitation expressed or understood, the promise binds to poverty in its complete and unrestricted sense.

Dominion, or *ownership*, is a principal right to dispose of property to any use whatever which is not prohibited by law. The word *principal* distinguishes the master or owner of a piece of property from the administrator of that property. That man is properly called master or owner of a piece of property who is the principal cause of any use to which that property may be put. Another man may have power to use a piece of property, by permission of the master and owner of it, and even to dispose of it to any use whatsoever, and nevertheless this man may not be the master and owner

of that property. He is using it merely as he is the instrument of another man. He is undoubtedly in possession of a RIGHT, but that right is not a *principal* right. It is merely a *ministerial* right.

His Divine Majesty, as He is the one Creator, and therefore the one Lord of all things, has a dominion, or ownership, which is *principal*, in the primary and highest of all possible senses. Under the Divine Majesty, the Son of God, as He is also *Son of man*, has a dominion, or ownership, of *excellence*. A civil commonwealth has what is called *altum dominium* over even those goods, which are the private property of a man who is an individual member, and subject of that commonwealth. This man has, nevertheless, a real and *principal* dominion, or right of ownership. That cause is truly a *principal* cause which operates by its own efficacy, although it may not be the *chief* cause in comparison with still higher causes.

Usufruct is the right of using a thing which is the property of another, without damage to the *substance* of that thing. Usufruct is called *dominium utile*, or dominion *of use*, to distinguish it from *dominium directum*, or full dominion, that is—dominion of *ownership*. Usufruct gives complete dominion over the *fruits* of the property, although the usufructuary has no dominion or ownership of the property itself.

Use is a right to the use of a thing without *any* ownership. In *usufruct* there is real ownership of the *fruits*, although there is no ownership of that which bears them.

4

Dominion, or ownership of property, is the first and principal part of the proximate matter of poverty. From ownership flow acts of ownership. Ownership is that by which a man is constituted as rich. Owner-

ship necessitates also that solicitude, in order to the preservation of it, which is at variance with the vow of poverty.

A *solemn* vow of religious poverty excludes ownership in such wise as at once to *annul previous* ownership, and to *hinder future* ownership. A *simple* vow of religious poverty—apart from any disability of ecclesiastical law, such as that which affects Spiritual Coadjutors in the Society of Jesus, who make only simple and not solemn vows—does not have this effect. It does not effect deprivation of ownership. It binds only by way of promise. He who has made a merely simple vow of poverty continues to acquire a true right of ownership over anything which he receives, even if in receiving it on his own authority he sins. The efficacy of the simple promise arose from the will of him who made it, and from that will alone. This act of will may be afterwards overborne by a contrary act of will. Both acts of will being of the same order, and having the same efficacy, the last act of will is destructive of the act of will which preceded it. It is otherwise when there is intervention of God's Church, and the addition of the will of a lawful superior to the will of him who promised poverty. The will of the superior, being of greater efficacy, renders the will of the subject *incapable* of accepting ownership. This incapacity the subject cannot by any contrary act of his own will undo. By his donation and delivery of himself and of all his rights, present and future, a present right has been, through acceptance, acquired by the religious body, of which this member cannot deprive that body.

5

Usufruct, use, and possession of a thing as one's own property, fall under the proximate matter of poverty. All of them have to be renounced in virtue of a vow of poverty, otherwise that vow will be sinned against.

They all include either ownership, or something which is equivalent to ownership.

Usufruct, although it is not a *complete* dominion, is, nevertheless, a *true* dominion. So far as profit to be derived from temporal goods is concerned, usufruct is, in fact, more fruitful than is a dominion which is *dominium directum* only — that is to say, which is merely a dominion of bare ownership. Usufruct suffices to enrich, and to entangle a man with worldly affairs. Renunciation of usufruct, moreover, as it is a right to use and to enjoy a thing, and to own the fruits of that thing, is itself valuable at a price, and he who possesses it has true dominion over it.

Use—as distinguished from usufruct—although it is not ownership of the thing which is used, is nevertheless so real a right to the use of that thing, that this use cannot without injustice be hindered or interfered with. He who has right of *use* has dominion over that right. He owns the right, and if he is injured with regard to it, restitution is due to him *of justice*. This right to use is valuable at a price, and is, therefore, reckoned amongst riches.

Possession, properly so called, falls also under the proximate matter of poverty. It is of the idea of possession to keep a thing as if it were *one's own* property. To keep it by one as the property of another is not to possess it.

Actual use—as distinguished from a *right to use* —and all taking, or retention, or administration of a thing, which is exercised, not in one's own right and name, but in dependence on the right or concession of another—is not in itself matter of poverty, so as to be excluded by a vow of poverty. Some limitation or moderation of this may, however, be matter of poverty,

according to the intention of the person who makes the vow.

Without *actual use* of temporal things it would be impossible for a man to live. A man does not, therefore, have it in his power wholly to deprive himself of all actual use, nor can he promise to do so.

Actual administration, as such, does not include any right of ownership, of use, or of enjoyment. It does not, therefore, belong to the matter of poverty. The property which is administered is held by its administrator not as his own, but as another's. It is not, therefore, possessed by its administrator but, through him, by its master or owner. To its owner it increases or perishes, as to him it belongs. All use and disposal of it by its administrator is simply actual use, since the use of it is exercised only by concession and will of its owner. This use is such that, in virtue of administration, it cannot be turned to the profit of the administrator. It must be exercised in order to the preservation and increase of the property for the benefit of its owner. There is, therefore, no reason why administration, as such, should be excluded by a vow of poverty. Administration may, however, be made matter of *obedience*, both as regards the undertaking of it, and as regards surrendering administration.

Not only actual administration, but also *a right to administer*, is not in itself contrary to poverty, unless to this right there should be attached some temporal emolument, so that this right should be valuable at a price. A right to administer does not of itself enrich.

6

The obligation of a vow of poverty is measured by the matter of the vow. In accordance with the measure of the obligation will be the measure of a sin against poverty.

The first way of sinning against a vow of poverty

is by accepting or retaining dominion of anything as one's own. This sin is, of its nature, a mortal sin, and it is sacrilegious as against a vow. It is certain, however, that grave matter is required in order that the sin should be mortal. It is difficult to determine its precise amount. Some authors lay it down as a general rule that that matter is to be held as grave against a vow of poverty which would suffice to constitute a mortal sin in the case of theft.

A religious sins against poverty, not only by acquiring or retaining anything as if it were his own, but also by giving anything away without leave of his superior.

A sin, which in the genus of it is mortal, can become, through smallness of matter, a venial sin ; and there may be smallness of matter in the breaking of a vow. The obligation of a vow is such as the matter of the vow permits, and no one can with smallness of matter bind himself under mortal sin. The common and received opinion is that the matter is sufficient for grave violation of a vow, which would be sufficient for a grave sin of theft, as against justice. This rule cannot be regarded as too rigid when it is remembered that the sacredness of a vow does not demand less in its own order than does the right of a man in the order of justice. This rule must, however, be rightly understood. It is in no way needful that the action of the religious should have the character of a theft, or of an injustice, in order to its being a sin, and a grievous sin. If, for instance, a stranger were to give to a religious a notable sum of money on condition that it should not be taken possession of by the monastery or by the Order, but should either be used by the religious, or be returned to the giver, and the religious spends it without leave of his Superior, he does no injury to his Order, which he does not deprive of anything, but he sins grievously against his vow, by acting as an owner in matter which is grave. The rule, therefore, is to be taken in the sense that the quantity which would suffice to constitute a grievous theft, if it were taken contrary to justice, will suffice to constitute a grievous sin against the vow of poverty, if it is taken or given without leave of the Superior.

The relation of a religious to his monastery, with regard to temporal goods, is not the relation of a son towards his father. Hence the character of the wickedness of theft in a son differs from the character of the wickedness of theft in a religious. In the theft of a son regard is had only to the damage done to the father and to the family property. In order, therefore, that the owner of any property should be reasonably unwilling to be deprived of it, greater quantity is certainly required in the case of a son than in the case of a stranger. In the violation of a

vow, on the other hand, regard is had not so much to the damage done to the monastery in its temporal goods, as to the spiritual damage which the Order suffers in relaxation of discipline with regard to one of the principal foundations of religious life. Hence a religious Superior will with reason be most unwilling, even in the case of a quantity for which a father would not be unwilling that it should be taken possession of by his son.

Although a religious is not in this matter to be regarded in his monastery as is a son in his family, he is nevertheless not a stranger. He is a part of the community, and the goods of the monastery are possessed for the benefit of its subjects, and not for the advantage of the Superior. For this reason there may be some benignity in judgment with regard to graveness of matter.

Although in violation of the vow of poverty there is frequently the twofold wickedness of injustice and of sacrilege, there may, however, be sacrilege without injustice, and it is the sacrilege which has principally to be considered, as it is the more directly at variance with the religious state. See Ballerini, *Opus Theologicum Morale*, vol. iv. page 70.

Slight thefts may coalesce to form an amount of matter which is grave enough to suffice for mortal sin, and the question arises as to whether small sins against religious poverty can coalesce so as to form one grievous sin. If in this sin we look not to the injury or loss to the monastery, but solely to the individual's guilt, or to the violation of the vow of poverty, small sins, whatever the number of them may be, will never make a grievous sin, just as a great number of slight disobediences will never make a grievous sin against the vow of obedience. It very often happens in transgressions of religious poverty that the vow is violated without any damage having been done to the community, as when, for instance, a religious hands over to another that which was given for himself to consume—or when that which was granted to him to use for a certain purpose he spends for another purpose—or when he takes for himself books, clothes, food and the like, which, if he had asked for them, would not have been refused to him—or when he accepts from externs something which is consumed in the act of using it. These are ways in which religious poverty is most frequently violated.

If, on the other hand, loss occurs to the community, as when money is spent by a religious without leave for his own private convenience, small sins of this kind may certainly coalesce so as to form a grievous sin, in the same way as small thefts may coalesce into being a grievous sin of theft. A greater amount is, however, required in this case than that which would suffice for mortal sin in a single act of theft. See Ballerini, *Opus Theologicum Morale*, vol. iv. page 81.

A religious will be sinning against his vow of poverty if he does not exercise the same diligence for the preservation of those things which

are given him to use, as other men are commonly wont to exercise, and if, for instance, clothes which were to last him for a whole year, should *by his own fault* be worn out within six months, so that the monastery should be put to fresh expense. A religious ought to have greater care of goods than he would have had if he were the owner of them, since he has only the *actual use* of them, and no power to consume them at his own will. See Ballerini, *Opus Theologicum Morale*, vol. iv. page 84.

7

There are four modes of poverty which are possible to a religious.

(1) There is the first mode or degree of poverty when a man cannot, either *lawfully* or *validly*, have ownership of any property whatsoever—or cannot use it as if it were his own. This degree is that which belongs to all those who nowadays make a solemn vow of poverty.

(2) There is the second degree of poverty when a man cannot *lawfully* have ownership of any property, or cannot even use it as if it were his own, but is not at the same time *incapable* of ownership. Such would be the poverty of those who should make an absolute and entire vow of poverty, but apart from any *solemnity* added by the Church.

(3) There is the third degree of poverty when a man is neither incapable of ownership nor bound at once to deprive himself of his right of ownership, but bound only not to *use anything as if it were his own*. This is the case of approved scholastics in the Society of Jesus.

(4) There is a fourth degree of poverty when a man is bound by vow, not, indeed, to refrain from ownership, or from all use of any property as his own, but only not to acquire, or not to possess, goods beyond a certain measure, such as is sufficient for his support and maintenance, in accordance with some lawful or perfect end which he has set before him.

All degrees of poverty have one thing in common—

namely, the taking away of an excessive superfluity of temporal goods which should entail solicitude and distraction. If this moderation is that which alone is exercised, then we have the fourth degree of poverty.

If besides moderation in *quantity* there is moderation also with regard to *mode*, so that, although ownership is retained, there must be dependence on the will of another in the exercise of ownership, there is the third degree of poverty.

If besides both kinds of moderation, ownership is surrendered so far as one's own will and promise is concerned, but without anything which causes *incapability* of ownership, added by intervention of ecclesiastical law, there is the second degree of poverty.

When *incapability* of ownership is added, through intervention and action of the Church, this completes that which constitutes the first degree of religious poverty.

It is probable that at one time the religious state existed with poverty of the fourth kind only. Such poverty is, therefore, sufficient *substantially* to constitute the religious state. Poverty is not for its own sake necessary in order to perfection. Poverty is necessary only as it is a *means* for the removal of hindrances to the acquiring of perfection, such as solicitude for temporal things, love of riches, and occasions of elation or vain glory. The last two of these hindrances may be sufficiently diminished or obviated through some considerable diminution of riches, even if some few temporal goods should still be retained as one's own property. Solicitude for the means of living cannot be wholly prevented, since a man cannot possibly live without at least the possession and use of some temporal goods, and so he cannot be set entirely free from all care and solicitude with regard to these. That solicitude is, however, small which suffices for the few things which are really necessary for support of life. There would, in fact, be greater

solicitude were a man to live by begging than there would be if he were in possession of a few necessaries of life, or if he had a small but certain income. Solicitude so measured would not be contrary to perfection.

Although it is probable that at one time the religious state existed with poverty of the fourth kind only—and therefore that such poverty suffices *substantially* to constitute the religious state—it is nevertheless more probable that the kind of poverty which is exercised by way of abdication of ownership, at least so far as regards independent use of property, always obtained in the state of perfection, as that state has always existed in Christ's Church. Although ownership is not absolutely at variance with *personal* perfection, it nevertheless does seem to be in no small degree at variance with the *state* of perfection. It is certain at least that absence of ownership contributes towards greater perfection. It cannot be doubted that the state of perfection existed in its greatest perfection in the Apostles, and in their followers, of whom a series and succession has never failed in the Church of God.

The kind of poverty which renders a religious *incapable* of ownership was not observed from the beginning of the Church. Poverty of this kind is not induced in the religious state by the nature of the case, and it is not matter of a vow of poverty. However much a man might wish to deprive himself of *capability* of ownership, it is not in his own power to do so, and therefore he cannot make a vow to do so. Incapability of ownership is an effect which is added to his vow by ordinance of the Church. This effect of incapability of ownership is nevertheless *voluntary* on the part of the man who makes a vow of poverty. He who wills the cause wills also the effect.

The solemnity of a vow of poverty which renders a religious incapable of ownership was introduced univer-

sally in the time of the Emperor Justinian. That it obtained in any religious Order before that time, by grant of the Sovereign Pontiff, is by no means certain.

The primary reason of the institution of the solemnity of the religious vow of poverty is that, although *incapability* of ownership is not absolutely necessary in order to perfection, it nevertheless contributes largely towards perfection, through cutting out by the roots all occasions of ownership.

As the religious, moreover, ceases through his profession to be his own master, and is himself made personally subject to the dominion of the Order, so it is fitting that the accessory should follow the principal, and that, by force of ordinary law, all that a religious possesses, or may ever possess, should pass by way of ownership to the Order.

The existence of a solemn vow of poverty is compatible with retention of ownership by a religious. St Francis Borgia, by dispensation of Paul III., so made his solemn vows in the Society of Jesus as nevertheless only after four years from his profession to abdicate his Duchy of Gandia and other temporal possessions. The Sacred Penitentiary gave faculty to Nuns in France, Nov. 28, 1818, that notwithstanding their solemn vows of poverty, they should have power to retain goods and revenues which they had acquired. By express authority of the Holy See faculty was given also on November 20, 1820, to Nuns in Belgium, although solemnly professed, to acquire, possess, and administer goods. St Ignatius, in a Declaration added by him to the Constitutions of the Society of Jesus, makes express mention of a faculty to acquire and retain ownership even after solemn profession, which can be obtained from the Apostolic See.

The reason of this is not abstruse. Ownership of temporal goods is compatible with a simple vow of poverty. That which is added to a simple vow—namely, the solemnity of the same vow, is produced by ecclesiastical law, as the Apostolic Constitutions plainly declare. Hence it is manifest that the force and measure of the effects of solemnity can be limited by the same power from which the solemnity itself proceeds, and therefore it depends on the will of the Supreme Lawgiver in the Church. It is of the very nature of the case that a religious who is solemnly professed should live either incapable or capable of ownership at the decision of the supreme authority, to whose wisdom it belongs to dispose all matters in accordance with their adjuncts of times, places, and persons. See Ballerini, *Opus Theologicum Morale*, vol. iv. page 55.

8

Two kinds of poverty are conceivable in a religious community. The first, although it excludes all private ownership in individual religious, admits of ownership in the religious body, as that body constitutes one moral person. The second kind of poverty excludes ownership even by the community. Even in *community poverty*—as it is distinguished from *individual* poverty—there may exist degrees. The first degree excludes ownership of real property and revenues, but not ownership of movable goods. The second degree does not admit ownership even of movable goods. A third degree not only excludes ownership of both kinds of goods, but also debars collection of necessaries for use at some future time. It allows the acquisition of those things only which are necessary for present actual use.

Community poverty has its foundations in the most ancient traditions of the Church of God. As observed in religious bodies, however, which profess common life in one congregation, or body politic, its origin is not so ancient. It began in the time of St Francis and St Dominic. The approbation by Pontiffs and Councils of Institutes which profess community poverty suffices to make manifest, and that as of faith, the certainty of the lawfulness of community poverty.

The Council of Trent not only approved the poverty of St Francis, but willed it to be observed in its integrity. When giving to other religious bodies power as communities to possess goods, even if this should hitherto have been forbidden to them, it excepted the Order of St Francis.

That religious Institute is also laudable in which poverty is observed by a combination of abdication of all ownership *by individual* religious, with ownership of goods as possessed by the religious *body* of which the individuals are members. This is not only certain as of

faith, but it is also manifest on the face of it that this kind of poverty is most useful as it is a means towards the attaining of perfection.

9

St Thomas holds that no one of these modes of poverty is simply and in itself to be preferred to the other modes. He maintains that that mode of poverty is the most excellent which is most in accordance with the ends of the religious state; poverty being regarded not for its own sake but solely as it is a means towards the end of perfection. That kind of poverty is not, therefore, always to be reckoned the *best* which is the most *extreme*. That is the best which is best suited to its end. In this consists its perfection.

St Thomas distinguishes three kinds of religious Orders and three ends of the religious state. Some Orders are principally *active*. They are concerned with corporal works, such as hospitality and military service. In this case he says that it is better for a community to possess goods, and these even in abundance, as being necessary in order to the end of the Institute. Other religious bodies are ordained for a *purely contemplative life*. In these, he says, it is convenient for the community to be the owner of moderate possessions. Solicitude with regard to temporal affairs is thereby sufficiently obviated. Other religious bodies have been instituted not only for contemplation, but also for bestowing on others outside themselves the fruits of contemplation. For these St Thomas says that community poverty in addition to individual poverty is to be preferred, since their state requires that there should be the very smallest degree of temporal solicitude.

The Council of Trent, however, granted to all monasteries and religious houses, even of Mendicants, power to possess real property, even if this should have been forbidden by their Institutes, or otherwise; with the sole

exception of the Observantine Friars Minor and the Capuchins.

By this decree the Council signifies that this mode of living on the fruits of community possessions is the most generally suitable. The Council excepted from its decree the Friars Minor, both because of the special profession of that religious body, and because it was not well that poverty in this extreme of its perfection should nowhere exist within the limits of the religious state in the Church of God.

10

It is held as a general rule that the *acceptance* of a thing is an act of ownership. It is consequently contrary to the vow of poverty that a private religious should accept anything without leave of his superior. This sin is of its own nature mortal. It is rendered venial only by reason of smallness of matter. The Council of Trent permits to religious the use of movable goods only with leave of their Superiors. The Council says that a religious cannot keep any goods as his own, but that all goods must be immediately delivered to his superior. Goods are held to be morally delivered to the superior when leave is asked and obtained, and when in the superior's name or by his authority the goods are received and retained, or given away to others.

Express leave is necessary when it can conveniently be asked for. Religious rule, as well as order and the fitness of things, demands this.

When there is no opportunity for asking leave, a *presumed* or *interpretative* leave will suffice; as when, for instance, the superior is engaged or absent, and there is some considerable reason for immediate acceptance of the offered gift. In this case, if an individual religious supposes that his superior, if he could have been got at, would have given leave, the gift may be accepted without sin on the score of ownership. The religious should have the intention to manifest the matter to his superior

as soon as an opportunity occurs, so that the superior may expressly ratify the acceptance, or, if he pleases, annul it. This, also, religious rule as well as due order demands.

With regard to the question as to whether a religious has power to refuse things which are offered to him by an extern, there has first to be distinguished whether that which is offered is a simple gift, or whether it is a debt which is due on account of work which has been done by the religious. If that which is offered is a *simple gift*, it is lawful for a religious to refuse it, and even to beg that it should be given to another, as, for instance, to a kinsman. For this the leave of the Superior is not required. The religious is not thereby disposing of anything—he is not exercising any right—and he is not doing to anyone an injury. His monastery has no right to that gift. It might be, however, that he should be sinning against *charity*, if his monastery from which he turned away the benefaction stood in great need of it.

If, on the other hand, that which is offered to a religious by an extern is due, as, for instance, a stipend for a course of Lenten sermons, and his monastery or his Order is one of those which are capable of acquiring such goods, he has no power to refuse it, and he would be acting inequitably and unjustly in refusing it. As soon as the work in question has been done by him—and before either his acceptance or refusal of the stipend—a *right* to that stipend has been acquired by the monastery. This it is not free to the religious to dispose of. If he does dispose of it he will be sinning against his vow of poverty, and doing an injury to his monastery.

A religious cannot either lawfully or validly give alms without leave of his Superior, since he has no right either of ownership or of administration. There is an exception in the case of the *extreme* necessity of a poor person, to whom an alms is to be given, even against the will of the Superior. The virtue of charity in that case prevails, and the poor man has himself already the right to take the goods. In his exercise of this right of his, the religious is only co-operating by giving him an alms.

There are other cases of exception, but that inasmuch as there is in them tacit or presumed leave, if access cannot be had to the Superior, as, for instance, in the case of *grievous* necessity. If a religious is, either by command or with the consent of his Superiors living outside his cloister, for the sake of his studies, and his Superiors, have supplied him with money for his support, there will then be either tacit or presumed leave for his giving some small alms which will conduce to edification. The goods of the monastery, of which a part has been supplied to him, are destined for this use also, that from them alms should be given to the poor.

It is also permitted to religious generally to make small donations in token of gratitude, which is a sort of debt. For these, therefore, the leave of the Superior is at least presumed. If, however, the Superior should oppose either these donations, or those alms which are lawful only on the ground of tacit or presumed leave, the giving of them will be no longer lawful.

If a religious were to paint a picture, or to execute some work of art for an extern, and give it to him without leave of his Superior, his intention in so doing has to be considered. If, of his primary intention the work was done at the request of the extern, who also supplied the materials, then the religious will only have been doing the extern a service, and in that case he will not have done anything *against his vow of poverty*. It will, therefore, be lawful for him to do so, unless it has been otherwise forbidden. If, on the other hand, the primary intention of the religious was to execute the work for himself, and then he afterwards decided to give it to an extern, he cannot do so. Right to that work of art has already passed to his monastery, and he cannot without leave of the Superior dispose of it. See Ballerini, *Opus Theologicum Morale*, vol. iv. page 80.

As nothing can be accepted by a religious without leave, so also nothing can without leave be *retained*. Express leave, therefore, when it can conveniently be asked for, is necessary for retaining, in at least the same way in which it is necessary for accepting. When the asking of express leave to accept, therefore, has been impossible, there remains, when the hindrance ceases, the same obligation to ask express leave at least for the retaining of the gift. By rigorous interpretation of the precept, reasonable presumption of the will of the Superior is sufficient for avoidance of the sin of ownership; even in a case in which his express leave might have been asked, if the asking has been omitted from some motive of human respect, or from shyness, or difficulty of approaching the Superior.

There is a distinction between *tacit* leave and *presumed* leave. That is *tacit* leave which is virtually contained in some express act, in accordance with its legal or its reasonable interpretation. That is *presumed* leave which, it is with probability believed, would have

been granted, if the Superior could have been asked. The will is of the *present* in the one case. In the other case it is of the *future*, and conditioned.

There is a case of *tacit* leave when, for instance, the Superior gives a religious leave for a journey and does not forbid him to accept anything. The Superior is then held virtually to have given him leave to accept such things as might otherwise prudently, and in accordance with religious fitness, be accepted. The one leave is understood, and not without reason, to be implicitly contained in the other leave.

Again, a Superior has, generally speaking, the intention to administer his office worthily and for the benefit of his community. He is held, therefore, implicitly and tacitly to have the will that, when he is absent or is difficult of access, and there is disadvantage in delay, an offered gift may be accepted. Further, there may exist in a religious community a custom of accepting up to a certain amount without asking and obtaining express leave. If this custom is known to and tolerated by Superiors, it is a sufficient indication of a general will on their part. In this case, and as regards the reasonableness of such a custom, the burden lies on the consciences of Superiors rather than on those of subjects. Even if the custom is unreasonable, the fact of the existence of it is sufficient to prevent the act of the subject from being contrary to poverty. This is evident, since if, even in the case of express leave, it should appear to a religious that his Superior was not rightly fulfilling his office by granting a certain leave, the religious will, nevertheless, in availing himself of that leave, not sin against poverty, although he may be sinning on other grounds, either by reason of scandal or of co-operation in evil doing.

Subjects ought, having regard to their Rule and Institute, to beware of availing themselves of any custom which manifestly tends towards religious relaxation. This they ought to refrain from, both by

reason of the grievous injury to religion in which they are co-operating, and also because there is always brought by subjects a certain moral force to bear upon their Superiors, so that these sometimes cannot or dare not root out an evil custom. When this is so, the custom itself manifests not so much the consent of the Superior as his mere permission of an evil.

There is another mode of *tacit* leave. This occurs when a Superior sees a subject accept something, and is silent. Since it may be presumed that he will not connive at sinful ownership in his subject, he is reasonably supposed to be silent because he consents, and so gives tacit leave.

Presumed leave—as distinguished from *tacit* leave—is not founded in any *will* of the Superior, past or present, formal or virtual, nor in any signs thereof. It is founded only in probable conjectures with regard to what *would have been* his will, had he known the circumstances, or had leave been asked. Such leave suffices, nevertheless, to excuse acceptance by a religious of an offered gift from sin through ownership.

Displeasure of a Superior at acceptance of a gift might arise in two different ways. He might object to the thing itself being accepted. If this should at the time be known to the receiver, there would not be any presumption of leave, and acceptance would involve ownership. If, however, the displeasure of the Superior which is anticipated regards not acceptance of the gift, but only the *manner* of its acceptance—namely, without express leave, acceptance will be excused from mortal sin, since it is excused from *ownership*, even if it cannot be excused from some fault of *disobedience*.

Leave may be unjust in various ways on the part of him who asks it, either by reason of that for which leave is asked—or by reason of the cause for which the leave is asked. Leave is unjust on the part of him

who asks it, when he extorts it by force, deceit, or fraud. Such leave is null and void. If the leave is surreptitious and proceeds from a false cause, it will not render the subject who has obtained it safe in conscience. In like manner, if circumstances are kept back which would most likely and reasonably have caused the Superior not to give leave, his ignorance of such circumstances would be sufficient to annul the leave. If, however, that which is kept back is something which might perhaps have made the granting of the leave more difficult to obtain, but would not absolutely have prevented its being granted, the leave may be sufficient. The ground of difficulty in this case belonged not to the *substance* of the leave but to the *mode* of the leave as asked and granted.

Leave may also be unjust by reason of that for which leave is asked, as, for instance, leave to receive something from one who has no power to give it or who is not its owner. Such leave is invalid, apart from any vow of poverty.

Further, leave may be unjust by reason of the *cause* for which it is given. Leave is, for instance, unjust when it is given without necessity or reasonable cause. Acceptance, however, which follows upon it, does not involve the idea of ownership. Such acceptance is not contrary to—or apart from—but is dependent on the Superior's will. The acceptance is not in one's own, but in another's name.

The Superior, in giving leave, does not dispense from the *vow* of poverty. He only places *matter* of poverty outside the vow of poverty. Hence leave given without just cause is not therefore null.

The fact that leave *ought to have been given* will not, when the leave *has not been given*, prevent ownership. The fact that a Superior *ought* to will is not equivalent to his *actually* willing.

Acceptance of a loan by a religious cannot be excused from grievous sin. More grave matter, however, is required for this than would be necessary as matter of grievous sin, if the thing lent had been accepted as a gift. A loan is a contract, whereby dominion is acquired, along with an obligation of repayment. Acceptance of a thing lent is, therefore, an act of ownership. It is at variance with poverty, since something is accepted without leave, and thus treated as if it were one's own, and also because the religious has bound himself on his own authority to restitution. This is an obligation which, morally speaking, cannot be fulfilled. The religious has not wherewith to repay the loan, and his monastery is not bound to refund it. If, however, a religious should, with leave of his Superior, be absent from his monastery, and he were to fall sick, or should he from any other cause stand in need of money for necessary uses, such as a religious Order is wont and ought to provide, then in accepting a loan there is no act of ownership. There is then sufficient leave, and the religious body is bound to repayment of the loan even as it was bound to provide whatsoever was necessary for its religious subject.

If a religious, without leave of his Superior, receives money to distribute to externs, and he distributes it in his own name, he will sin against his vow of poverty by an exercise of ownership. If, however, he distributes it in the name of another—that is to say, of the giver, it will be an act of simple administration, and he will not be sinning against poverty, whatever the sum which he has received may be. He may, however, be sinning in other ways, as against obedience or as against the Rule.

Although the man who gives money to a religious for distribution to others does not designate the persons to whom it is to be distributed, nor the amount which is to be given to each, it still remains purely a matter of ministry so long as one makes the distribution in name of another. The religious does not accept or retain the money as his own, or as if he were master of it, but in the name of another, to give to the poor. He does not, therefore, exercise any act of dominion or ownership.

It is not every possession and every administration of money which

is at variance with the vow of poverty, but those only which are exercised as matter of right—that is, when a religious administers property in his own name.

In the expending which occurs in the case supposed we find four things only—acceptance of the money—faculty to make selection among poor persons—the choice of these—and the distribution among them. No one of these is against a vow of poverty. Acceptance of the money is not against it, because the religious receives the money not for himself but to distribute in name of the giver amongst the poor. Faculty to select persons is not contrary to the vow of poverty, since this is merely a right of nomination. The choice of certain poor persons is not contrary to the vow of poverty, since if the right to select them is not contrary, most certainly the selection of them, which is an exercise of that right, cannot possibly be contrary to the vow of poverty. In like manner the distribution of the money to the poor is not at variance with the vow of poverty, because the religious is distributing it not in his own name but in name of the giver of the alms. See Ballerini, *Opus Theologicum Morale*, vol. iv. page 76.

By a Constitution of Clement VIII. every religious, and every convent, and every chapter is forbidden to give or send a gift to any person, unless in General Chapter or in a general congregation, and after mature discussion of the matter, the cause has been approved by the unanimous consent of all, and by the permission of Superiors. This Constitution while it was confirmed was at the same time tempered by Urban VIII., who has declared that gifts may be given by religious of both sexes on the ground of gratitude, of conciliation, of benevolence, and of preservation of benevolence, towards the Order or Convent, and for other reasons which of their own nature contain an act of virtue and merit, with modesty, however, and discreetness, and so long as the gifts are not made except with leave of the local Superior, and with consent also of the greater part of the Convent, if such consent is required by law, or by the Constitutions, or by the custom of the Order.

Pope Urban also declared that the consent of the Convent which was required by Clement VIII. for eatables and drinkables of small amount, or for little gifts of objects of devotion, is not required, unless inasmuch as it is otherwise already required by law, or unless there is ground for suspicion of ambition, and that then the verbal leave of the Superior is sufficient.

He also declared that refreshments and entertainments in receiving benefactors or protectors or the Ordinaries, are not unlawful, so long as they do not exceed the limits of that which is becoming in the religious state. Neither of these Pontiffs prohibited, but on the contrary they greatly commended, hospitality. See Ballerini, *Opus Theologicum Morale*, vol. iv. page 87.

11

A proprietary *peculium* is contrary to religious poverty. The first and principal sign of a thing being a proprietary *peculium* is its being possessed without lawful leave of the Superior. He who so possesses, possesses not in another's name, but in his own name. He therefore possesses that thing as if it were his own. He thus violates his vow of poverty, and commits a sacrilege. He also commits a theft. He is taking away and retaining the property of another against the will of its owner. The thing belongs, not to him, but to the religious body, without the consent of which he takes it.

A second sign of proprietary *peculium* is when the thing possessed is hidden so that it cannot be found by the Superior. The subject has then the disposition to retain the thing, whatever may be the will of his Superior. The Superior is thus deprived of his power of otherwise disposing of that thing.

If an individual religious, with leave of his Superior, lawfully obtained, in accordance with his Rule, or with an approved custom of his Order, has a key, that key is not a sign of ownership. He is in possession of the key not in his own name but in his Superior's name. A key in itself is only an instrument and a sign of guardianship. A key is then only a sign of *ownership*, when it is kept and used in one's own name, and as by one's own right.

Apart from scandal, it ought not hastily to be assumed that there has been mortal sin, if a religious subject is really prepared to surrender all things at the beck of his Superior, and to give up the key whenever he is asked for it. He has not in this case the disposition or intention of ownership, even if his affection is irregular, and the manner of his guardianship is contrary to his Rule.

12

Use of a thing as if it were *one's own* is, of course, excluded by a vow of poverty. Such use is an act of ownership. The exercise of poverty is, moreover, even more necessary as regards use than it is as regards ownership. A vow to surrender the *use* of things as if they were *one's own*, even if the ownership of them is retained, is intelligible. To deprive oneself by vow of all ownership, and at the same time to retain *free use* of things as if they were one's own, without leave of a Superior, is not intelligible.

Leave is not to be so easily presumed for the *expending* of goods, as it may be presumed for the acceptance and retaining of goods, when they are offered as gifts.

A religious sins against poverty when he gives away, either inside or outside his monastery, things which have been granted to himself for his own use. He sins even if it is himself only whom he deprives of the use of these goods, and even if he does not thereby burden his monastery. It is not in the power of a religious, for instance, to give away food which he might have himself lawfully consumed, or to give away money which he might have lawfully spent on a journey.

When a religious is granted the *use* of a thing, there is not thereby granted to him the *right to use* it. Of the right to use it a religious is not capable, inasmuch as this right partakes of ownership. When actual use is granted to a religious, it is granted to him not in general, and at his own discretion, but in a particular case. Outside that particular actual use he cannot on his own authority usurp any other use.

It follows that not only may a religious not give to another that which he subtracts from himself, but he may not apply a thing to a use for which it was not granted to him. He cannot, for instance, sell his food to buy books, and money given to him to buy certain books he cannot spend in buying other books.

Superiors have not power to spend the goods of the monastery at their own free will. The Superior has the proximate administration of the goods of the monastery, but he is not the owner of those goods. He himself is incapable of ownership, and the monastery has not transferred to him the *ownership* of its goods.

Religious, who have been solemnly professed, have no power, either lawfully or validly, to make testaments without faculty. This cannot be given to them by any Superior except the Sovereign Pontiff. To make a testament is an act of ownership.

A religious sins against his vow of poverty in having superfluities, even with leave of his Superior. He does not sin for want of leave, or with the vice of ownership, but because his vow is not only not to use goods without leave of his Superior, but also to observe *the state of a poor man*, and not to make expenses which do not beseem poor men. Hence the Council of Trent prescribes to Superiors that they should not allow surroundings to religious which do not become the state of poverty which they have professed, or which have in them anything of superfluity. Leave of a Superior may in this matter prevent any sin of ownership, but it will not effect that superfluity should not be at variance with the state of poverty which a religious has vowed. See Ballerini, *Opus Theologicum Morale*, vol iv. page 37.

13

The Council of Trent granted to all religious Orders —the Observantine Friars Minor and the Capuchins excepted—power to possess real property, even if that had previously been forbidden to them. This grant includes permission for *community* ownership, and right to revenues, usufructs, and the like.

The Council does not prescribe that *community* poverty should not be observed by other religious Orders. It merely grants indulgence. Notwithstanding this decree, therefore, any religious body is free to renounce the right which the Council grants, and to retain its own observance and obligation.

This has, in fact, been done by the Society of Jesus, so far as the *Professed* Houses of the Society are concerned. The institute of the Society was approved by the Apostolic See subsequently to the decree of the Council.

A religious body which professes *community* poverty is bound not to possess any real property for the support of its members. This is the *special* matter of its vow and obligation. It has power to collect, and to keep for use at convenience, movable goods, although with due moderation, so as not morally to nullify its profession of poverty. *Money*, as such, is never reckoned as real property. These communities may, therefore,—with the exception of the Friars Minor,—collect the money which is necessary for their support.

They may have a house for their ordinary habitation —a church for the divine service—and a garden adjoining the house for the recreation of the religious.

We have spoken hitherto principally of the obligations of subjects, and something remains to be said with regard to the obligations of Superiors. It is, in the first place, certain that Superiors cannot lawfully give leave to their subjects for things which, looking to all the circumstances, are not becoming to the state of poverty. Facility in this matter on the part of Superiors will lead to remissness of regular observance.

Secondly, since the Superior is the administrator of the common goods, he cannot alienate either real property or precious movables.

Thirdly, in expending the revenues of the convent, it is not sufficient that the works on which they are spent should be pious works, or works which are ordained for the worship of God and the good of religion, but they must also be such works as beseem the state of religious poverty.

Fourthly, the Superior ought to give alms out of his superfluity of revenue, since ecclesiastical goods are destined also for the poor, and religious houses ought to give an example of poverty, and this is given by bestowal of their superfluity upon the poor.

Fifthly, in supplying his subjects with food and clothing, a Superior, having regard always to religious poverty, will commend himself to his subjects by liberality rather than by parsimony. Experience teaches that St Bernard spoke truly when he said that—where there is not abundance, there will not be observance.

Sixthly, a Superior who introduces *peculia* among his subjects, or who permits them to be introduced, will, unless there be most grave cause to excuse it, sin grievously. The Superiors of an Order, if they can without great difficulty bring back common life, are bound to promote it, since they are bound to procure the good of their subjects in accordance with the Rule, and to procure the perfection of the vow of poverty. See Ballerini, *Opus Theologicum Morale*, vol iv. page 88.

CHAPTER VI

RELIGIOUS CHASTITY

It is not only lawful and good, but it is also better than a good thing which is merely good, to observe virginity, which, although it is not prescribed, is most certainly counselled in the evangelical law. This is of faith.

It is also of faith that not only is it better than a good thing which is merely good to observe virginity, but that it is best of all to consecrate virginity or perpetual chastity to God by vow. This is best of all, both by reason of the excellence of the matter of the vow, and by reason of the further excellence of whatever is done under vow.

A vow of perpetual chastity being *privative* binds, so far as the matter of it is concerned, after the manner of a *negative* precept—that is, of a precept which *forbids*, as it is distinguished from an *affirmative* precept, or a precept which *prescribes*. A vow of chastity, therefore, binds always and at every moment, continuously and without intermission.

The matter of chastity is twofold. There is *necessary* chastity and there is *voluntary* chastity. The necessary matter of chastity is abstinence from every foul act and from every exercise of lust outside the state of matrimony. To this every man is bound in virtue of the natural law and apart from any vow. This necessary matter falls, nevertheless, under a vow of chastity which adds to the natural and therefore necessary obligation, another and a

voluntary bond of obligation. Hence a man who violates a vow of chastity will sin not only against temperance, but also against religion, as violating a vow. This is certain. It is certain not only as regards external acts but also as regards internal consent. It extends to all voluntary desires which are contrary to chastity, and to every lingering and voluntary delight in an act of uncleanness, even if it is indulged apart from desire and without purpose to commit any external act.

The *voluntary* chastity which, along with *necessary* chastity, forms part of the matter of a vow of chastity, is abstinence from acts which might be lawful, and which are lawful, in the matrimonial state, and the foundation of the lawfulness of which is the bond of matrimony.

A vow of perpetual chastity, therefore, binds him who makes it not to contract matrimony with the intention of consummating it. To do so on one's own authority, and without dispensation, would be intrinsically evil and a grievous sin of sacrilege. In order not only to lawful but to valid dispensation, a just cause is necessary. Mere want of will to persevere in the state of chastity which has been vowed does not suffice as a cause for dispensation, since this want of will to persevere in chastity has its root in simple wickedness.

2

The *bond* of matrimony is not, in itself, *formally* contrary to a vow of chastity. The vow, in itself, concerns not the not contracting matrimony, but the not doing anything which is contrary to chastity. In the intention to contract matrimony there is not necessarily included an intention to consummate the matrimony which has been contracted. The virtual intention of consummation, which it ordinarily includes, may be excluded by a contrary formal intention. The intention to contract matrimony may have a higher end than is the consummation of matrimony, and may

have reference to the religious state. If a virgin, for instance, has made a secret vow of chastity, and she cannot possibly obtain from her parents freedom for her perseverance in her virgin state, and she does not dare to reveal to them her vow, she can contract matrimony without any violation of her vow, if she does so with the intention of entering the religious state before consummation of the matrimony. As a rule, however, looking to the moral risk of incontinence, and of change of purpose, no one ought to expose herself, by so contracting, to this peril, without the very greatest necessity, and without ample proof of the steadfastness of her will, with every ground for hope of perseverance in her purpose. Hence this case is rare, and a contract of this kind is not readily or easily to be permitted.

When such a case does occur, there should be made a commutation, or rather an extension, of the vow of chastity into a vow of entrance into religion. If profession is afterwards hindered for a reasonable cause, the person may then without scruple return to the world, and enter without sin on fulfilment of matrimonial duties. The reason is because, in virtue of the commutation or extension of the vow of chastity into a vow of religion, the vow does not bind to absolute continence except in the religious state.

There is no injury done to the other party to the contract by the one who contracts matrimony with such a vow, since in every marriage there is understood by law to exist on both sides the tacit condition —Unless I should resolve (before consummation of the matrimony) to pass to the religious state. Neither of the contracting parties is bound to immediate consummation, and both of them have right to deliberation and action with regard to the religious state within the time prescribed by Canon Law, which is two months after celebration of the marriage.

3

A *simple* vow of virginity or of continence does not invalidate subsequent matrimony, although it renders it unlawful. A simple vow is purely a promise, and by a mere promise of a thing the ownership of that thing is not transferred. If an owner should *give* to one person a thing which he had previously *promised* to another person, the donation, however unlawful, will be valid. Matrimony which is subsequent to a *simple* vow of chastity is the *donation* of that which was previously *promised* to God. As a donation it is *valid*, although it is at variance with the fidelity which is due to God. It is valid, as matrimony is valid as against espousals, or as against a promise of marriage to another, even if that promise has been made under oath; or as a *donation* of a sum of money to a friend is *valid*, although unlawful, as against a vow to give that sum in alms.

Although matrimony contracted wrongly by reason of a previous vow of chastity is *valid*, the vow is nevertheless not thereby extinguished, nor is the obligation of the vow entirely removed. Although the vow may be over and over again violated, the obligation of it always remains, since this obligation is in itself perpetual. Although the vow of chastity cannot possibly in all things be observed, by reason of the change of condition of him who made it, it nevertheless continues to bind him, at least as regards those matters which still remain within his power.

A previous vow of chastity invalidates espousals, since espousals are at variance with the already existing obligation of that vow. The vow is of its nature a graver matter, and the obligation of the vow, moreover, preceded the obligation of the espousals. There is in this case an obligation of promise against promise, and not, as in the case of matrimony, *a donation* prevailing against a *promise*.

4

An obligation of continence is annexed to Sacred Orders—that is, to the Orders from the sub-diaconate up to the episcopate, reckoned in accordance with the present usage of the Latin Church.

No Sacred Order received before matrimony disables a man from contracting matrimony in virtue of *divine law alone*. Neither is there any *divine* precept which forbids persons in Sacred Orders to take wives. Further, there exists no precept of *divine* law which forbids to clerks in Sacred Orders the use of matrimony, if they have contracted it before ordination.

That persons in Sacred Orders should be bound by the Church to perpetual continence—either by abstaining from matrimony, if they have not previously contracted it, or by abstaining from the use of matrimony, if they are already married—is not contrary to divine law, either natural or positive. It is, on the contrary, very much in accordance with divine law. This is of faith.

No man is *compelled* to make such a vow of continence, since every man is free not to be ordained. No injury is done to any man, for to no man does the Church owe ordination. She has the power to deny ordination to any man without such conditions and such a quasi-covenant as she may deem to be expedient.

From the time of the Apostles no man who has already been ordained priest has been free to contract matrimony.

It is certain, and of faith, that priests in the Latin Church, ordained after matrimony, are bound to abstain from the use of matrimony, although this precept is not binding in the Greek Church. That is by reason of contrary custom, which lawfully prevails. Hence it is clear that the precept is not properly apostolic, although

it is certain that it has sprung from apostolic tradition. It was always observed in the Church of Rome, as St Gregory expressly affirms. That it was received in the Western Church is clear on the evidence of various very early Provincial Councils. The intention of the Church is that he who voluntarily receives Sacred Orders should make a vow of chastity, and this she binds him to make. She imposes this burden through the voluntary covenant between her and him who from her receives Sacred Orders. He is bound, either from obedience or of justice, to fulfilment of the condition under which he was admitted to Orders. The Church might by means of a law bind him to observe chastity without any promise of chastity on his part, but she prefers to impose this obligation through the intervention of a vow, and to bind him to fulfilment of this vow, in order that the obligation should be at once more sacred and more immutable. If the obligation were only through precept of the Church it might more easily be dispensed, and dispensation of it without cause would, although unlawful, be valid. A vow intervening, dispensation is more difficult, and if given without cause would not be valid.

This vow, although it is not made explicitly by him who is ordained, is nevertheless made implicitly. After the law has once been sufficiently established and made known, it is itself an admonition to all who receive Sacred Orders of the condition and burden subject to which they are admitted to these Orders. It this therefore that they have the will to be ordained in accordance with the laws of the Church, they make a sufficient *implicit* vow, even if there is not made any express act of promise.

If a man receives Sacred Orders with an express intention not to vow, he does not make a vow of chastity, although he remains ordained. His sacrilegious sin in so doing is a sin of disobedience, as it is the sin of transgression of a most grave precept. It is a sin

of faithlessness, as it is a most grievous lie, and a lie which is pernicious to the Church. It is a sin of injustice, as contrary to the covenant entered into by him with the Church. Hence arises an obligation of restitution. A man so ordained remains bound to reverse his intention, and to make a vow of chastity. The obligation under which he lay on the day of his ordination is not extinguished by his transgression of that obligation. The obligation perpetually and increasingly urges, since the vow exists, not by reason of the ordination, as it is a transient act, but by reason of the permanent state which the ordination constitutes.

A person so ordained, although he has not made a vow of chastity, is nevertheless disabled for validly contracting matrimony. This disability springs proximately from the will and institution of the Church. The Sacrament of Order by itself, or a vow by itself, has not force so to disable. The Church might have in this case disabled apart from the vow, but her intention is to disable *by means of* a vow which is *solemnised* through sacred ordination. Since, however, she does not judge with regard to the hidden, and since, moreover, a man ought not to profit by means of his fraud, she has ordained that this disability should not depend essentially on there being a true vow, but that a vow which is at once both presumed and due should suffice to constitute the disability. The implicit vow in Sacred Orders is not merely a vow not to marry, but is simply and absolutely a vow of chastity, which binds the cleric to abstain not only from matrimony, but from every act and desire which is libidinous and contrary to chastity.

5

In order to the *solemnity* of a religious vow of chastity there are two conditions which are required. The first is that the vow should be absolute and perpetual, and this of the intention both of him who makes it, and of

him who accepts it. The second condition is that the vow would *disable* a man for matrimony, and *destroy* not only matrimony to be contracted, but also matrimony already contracted, but not yet consummated. This last effect the solemnity of a *religious* vow adds over and above that which the solemnity of the vow of continence, which is annexed to Sacred Orders, effects. The latter, although it disables for contracting valid matrimony, does not destroy matrimony which has been already contracted but not consummated.

It is certain, and of faith, that a solemn vow of chastity made in an approved religious Order renders a man incapable of subsequent matrimony. It is certain also that a vow of chastity, however solemn, does not dissolve consummated matrimony. Consummated matrimony between baptised persons is wholly indissoluble, and that of *divine* law. A solemn vow of religious chastity dissolves matrimony which has not been consummated, and this apart from the consent, or even against the will, of the other party to the matrimonial contract. This is a truth of faith, defined by the Council of Trent. The reason why this effect does not belong to that vow which is included in Sacred Order is not defect of *power*, but defect of *will*, on the part of the Church.

The Church has reason in so dealing, since, in the first place, wedlock and religious profession are, of the very nature of them, at variance with each other. Not so wedlock and Sacred Order. Wedlock and religious profession are mutually subversive of each other, not as regards the bond and the obligation of each, but as regards the acts which belong to each, and the manner of life which the bond of each requires. Religious profession demands absolute renunciation of the world, abnegation of one's own will, and surrender of one's own body and of all things else. Wedlock, on the contrary, demands life in the world. It is fitting therefore that,

as far as possible, the two bonds should not co-exist. The clericate, on the other hand, does not of itself demand renunciation of the world. Neither the obligation nor the exercise of the clerical office is of its nature subversive of wedlock, or of the use of wedlock. It is subversive of these only by ordinance of the Church. This is true not only of the priesthood, and of the Sacred Orders below the priesthood, but also of the episcopate. Although the episcopate is a more perfect state, it nevertheless does not of itself bind to acts of the counsels.

The religious state is, moreover, the state of perfection *to be acquired*. It therefore requires separation from the use of matrimony, and from other exercises of secular life. Power to profess the religious state could not be freely granted to one party to a matrimonial contract independently of the other party thereto, with injury to that other, except through dissolution of the matrimonial bond. That party would otherwise remain always bound to observe perpetual continence.

Sacred Order, on the other hand, does not constitute a man in the state of perfection, or in the way thereto. Although from reverence for the sacred ministry it is expedient that a man who has been ordained should not pass to wedlock, it is nevertheless not expedient that on the ground of ordination—which does not of itself require profession of perfection—the *bond* of a matrimony which has been already contracted, should be dissolved.

The episcopate, although it is a state of "perfection *to be exercised*," perfection being supposed to have been already acquired, does not of itself, however, include *means* which are efficacious for the *acquiring* of perfection. It is not therefore given to reception of the episcopate to dissolve unconsummated matrimony. The end of this privilege is the setting of a man free to profess the way of "perfection *to be acquired*."

Finally, religious profession is a civil or spiritual death. Hence it is given to religious profession to

dissolve the *bond* of matrimony so long as that bond remains merely spiritual. If the matrimony is consummated, the bond is also carnal, and it is not dissolved except by natural death of the body. In ordination, and in episcopal consecration, there is no civil death. There is no absolute renunciation of one's own will, or of the ownership of one's property. To neither ordination nor episcopal consecration, therefore, has it been given to dissolve the *bond* of matrimony.

6

It is certain that before the time of Gregory XIII. the vows of chastity made by scholastics of the Society of Jesus did not invalidate subsequent matrimony, although they rendered it unlawful. Invalidation is not annexed to a vow of chastity, except by constitution of the Church. Before that Pontiff's time the Church had never attached invalidation of subsequent matrimony to any vow that was not entirely absolute. Looking to the intention of the subject—to the acceptance of his vow by the Society—and to the approbation of the Apostolic See, the vow of scholastics was in the beginning of the Society an entirely simple vow, and in no way invalidated subsequent matrimony.

It is as certain that, by a decree of Gregory XIII., the simple vow of scholastics of the Society, so long as it lasts, through perseverance in the Society, renders a scholastic incapable of contracting valid matrimony.

CHAPTER VII

RELIGIOUS OBEDIENCE

Obedience, as it is matter of a vow, is not that obedience only which is due to God and to His precepts, nor is it that obedience alone which is otherwise due by a man to his fellow-men, who possess and exercise true jurisdiction over him, and power to prescribe to him. Of such obedience it is evident that it is not only good, but also necessary in order to avoidance of sin. This obedience is not, therefore, of the number of those goods which are of supererogation and counsel.

Besides this obedience there is another obedience, by means of which a man subjects himself to the will of another man in matters which are not otherwise prescribed, but which nevertheless may lawfully and rightly be done. This obedience, as it is the subordination by a man of his own will to the will of another, is one of those goods of supererogation which fall under counsel. As offered for the service of God by special vow, this obedience is not only one of the evangelical counsels, and matter of one of the three vows by means of which the religious state is *essentially* constituted, but it is the matter of the chief of these vows. Among these vows it is the chief, both by reason of the excellence of the matter which is consecrated to God, and by reason also of the greater extensiveness of the offering. Poverty offers to God external riches. Chastity offers to God certain pleasures of the body. Obedience offers to God the soul, the understanding, the will, the whole man, as not only a sacrifice, but a holocaust or whole burnt-

offering. By means of a vow of obedience a man subjects to God, and offers all his riches, his pleasures, and all his actions, nay, and the whole of himself along with them, to the perpetual worship and service of His Divine Majesty. Hence St Augustine calls obedience not only the greatest of virtues, but the source and mother of all virtues.

2

A vow of obedience may be made with a double promise, or with a single promise only, at the will of the man who makes it. When the promise is twofold, transgression of it involves two distinct species of wickedness. There is a sin of *sacrilege*, as against the vow, which is made to God; while there is a sin of *unfaithfulness*, or of *injustice*, as against the promise which is made to man. By this double promise two distinct debts are constituted. Either of these debts suffices that violation of the promise should be morally evil, and at variance with a distinct and particular virtue.

Obedience may be promised by a promise which is made to man alone, apart from any vow, or promise made to God. A promise of obedience, if it is accompanied by a vow, falls materially under the vow, and is confirmed by the vow. A man may, however, chance to content himself with a promise only, without the addition of a vow. A vow is purely voluntary, and it has no necessary connection with a promise made to man. A promise induces obligation, although the bond of the obligation of a promise is less than is the bond of the obligation of a vow.

A promise of a sacred thing, if it is made to man only, and not to God, is not—a vow. The proper notion of a vow is derived, not from the *matter* which is promised, but from the nature and character of him *to whom* it is promised.

Obedience may, on the other hand, be promised solely

by a vow made to God; and this even if it is a man who is to be obeyed in virtue of that vow. The matter of the vow is not the *promise* made to a man, but the *obedience* which is in future to be paid to him.

In order that one man may have power to prescribe to another man, and to bind him to obedience, a vow to God to obey that man will suffice. The obligation arises not from the dominion or the jurisdiction of him who prescribes, but immediately from the simple obligation of *fidelity to God*. He who in this case prescribes is only applying the matter of the vow. When the matter of the vow has been placed within the sphere of the vow, then the obligation of the vow urges. In order that he who prescribes should not only do this, but have power also to exact and compel observance, there must either be a promise made to him, or he must be in possession of jurisdiction.

The will of a Superior may be manifold. It may be a will of *simple complacency*, or *desire* that a thing should be done, and it may amount to no more than a *wish*. This will is inefficacious and does not suffice to induce obligation. It does not consequently suffice to cause *sin* by non-fulfilment.

Even an absolute and efficacious will in a Superior may be twofold. It may refer to the *action* only which is prescribed, and, put into words, would be equivalent to —"I *will you to do* this," or it may refer formally to the *obligation* of obedience, and be equivalent to—"I *will to bind you* to do this." These two wills in a Superior are so distinct, the one from the other, that in making laws the first of these wills is not necessary, nor does it suffice in order to obligation. The second is necessary, and it is sufficient. When this will to bind the subject is sufficiently signified, it suffices in order that the vow should bind, and that disobedience should consequently be a sacrilege, as against the vow.

There must be *preceptive* will, which is—not a *will of the work* to be done, but—a *will to bind to the doing* of

the work. The Superior is constituted as in the place of God to exact a debt which is due to God. Until he exacts it *as a debt*, he does not apply the obligation of the vow. He does not exact it as a debt until with sufficient clearness he makes manifest his *will to bind* his subject.

Further, in a man who makes a vow of obedience we distinguish a *purpose of doing* from a *will to bind himself to do*. It is not that purpose, but this will which is necessary in order to the vow. When, therefore, a man promises obedience, although he has the intention of binding himself to obedience, yet, as regards the obligation of the work to be done by obedience, he remits it to the will of him to whom he promises obedience. He consequently intends to bind himself then only when the Superior shall have the *will to bind* him.

4

An action which has not been prescribed by a Superior with intention to bind his subject to the doing of it, is nevertheless not deprived of all the merit of obedience. Obedience is wider in its sphere than is obligation ; and perfect obedience does not wait for the spur of obligation. There always exists a certain relation between any precept of a religious Superior, and the previous vow of a religious subject. The act prescribed has been enjoined by one who has power to prescribe, and who, if he so wills, has power to constitute that act under the rigorous obligation of his subject's vow. The act is, moreover, done by the subject chiefly from the motive that it will redound to the better observance of his vow. The act itself has in it therefore some trace and flavour of obedience.

5

In order that disobedience should be a mortal sin *grave* matter is required. The *mere will* of the Superior to bind under pain of grievous sin does not suffice to

constitute a grievous sin. It, supposing grave matter, the Superior should sufficiently make *manifest his intention* to bind his subject as far as he can, there will be a concurrence of all things which are necessary in order to obligation under mortal sin.

The intention of him who prescribes is chiefly to be gathered from two things, from the *words* of his precept, and from the grievousness of the *penalty* which is annexed to non-fulfilment of the precept. He, however, whose power to prescribe is derived solely from his subject's simple vow, and who has no jurisdiction over him, has not power to annex to his precept the penalty of excommunication, suspension, or the like. It is his *words* therefore which have alone to be considered.

By the common and received usage of Religious Orders, if a Superior prescribes in simple words, even if the matter should be grave, he is held not to have the intention to bind his subject under pain of mortal sin.

A Superior is supposed then only to have the intention to bind his subject under mortal sin, when he prescribes —"in virtue of obedience,"—or in equivalent words by which he sufficiently signifies his intention to bind him as far as he can.

6

It is certain that in the religious state there exists a true and proper vow of obedience, since the vow is not only one of the three vows which are of the essence and substance of the religious state, but among these vows the vow of obedience holds the first place.

A vow of obedience is formally distinct from the donation and delivery of oneself to a Religious Order, which is included in religious profession. By means of donation and delivery, the Order acquires a proper right and an ownership of the religious. By means of the vow a right is acquired not to the Order, but to God, since a vow, as a vow, binds a man to God alone. By a man's donation and delivery of himself made to the Order, and

accepted by the Order, he is incorporated into the Order as a member into one body.

In order to perfect evangelical abnegation, both the vow and the donation are required. A man must despoil himself of his dominion over himself, and over his own will. This absolute despoiling he must offer as a holocaust to God, and consecrate it to His worship and service. The *despoiling* is done proximately by his donation and delivery of himself. The *consecrating* is done by means of his vow of obedience. The donation which is made proximately to man is, by means of the vow of obedience, raised to the level of a religious donation, and a spiritual holocaust offered to God Himself. A man would not be bound, as by a religious and sacred obligation, to fidelity in his donation of himself, unless it had added to it a vow of obedience. This vow is the religious bond by which the donation is consecrated to God.

7

The matter of a religious vow of obedience may be either a law, or written constitution—or a passing precept imposed by man. The latter is that to which obedience is more expressly promised by the vow. The matter, therefore, of a religious vow of obedience consists chiefly of the precepts of Superiors.

The religious Rule, or observance of the Rule, is also contained under the matter of a vow of religious obedience. The vow of obedience does not, however, add to the Rule obligation under mortal sin, unless in the Rule itself this obligation of it is either supposed or expressed.

A vow of obedience may in two ways add force of grave obligation to observance of the Rule—(1) when in the Rule itself there is expressly exacted the debt of the vow, by the words—"In virtue of holy obedience," or other equivalent words; (2) when the matter is of itself sufficient to induce grave obligation, and the inten-

tion of him who prescribes is sufficiently manifest—even without the words, "in virtue of holy obedience,"—from some other declaration, or from the custom and usage of the Order, or because the precept has been given under pain of the greater excommunication *ipso facto* to be incurred.

A religious Rule may bind in two ways under venial sin only. It may bind under venial sin only through smallness of matter. A Superior has not the *power* to bind under mortal sin, where there is smallness of matter, even if he should have the *will* to bind as far as he can. Secondly, a Rule may bind under venial sin only, through direct intention of the Superior. He may not have the *will to bind* under pain of grievous sin, even if, so far as graveness of matter is concerned, he has power to do so.

If the Rule itself binds under venial sin, then the vow of obedience adds another obligation also under venial sin. This venial sin is, however, of a higher species, since it is at variance with a more excellent virtue.

When the Rule does not of itself bind under either mortal sin or venial sin, then the vow of obedience does not add any obligation under sin, whether mortal or venial. A Rule which of itself does not induce any obligation in conscience is not a true and proper precept. It is not such a precept as is required in order to the obligation and exercise of the virtue of obedience.

This is that which authors of religious Rules mean, when they declare that it is not their intention that their Rules should bind under either mortal or venial sin. Their intention is to exclude that particular sin which has its roots in the vow of obedience. To arrange this is within their competence. They have power to prescribe, and they have equally power not to prescribe, but simply to make manifest their will or counsel; and this is a very different thing.

8

There is no proper religious Rule which does not bind in conscience, at least as subjecting the transgressor of that Rule to punishment in accordance with religious discipline. This punishment the religious subject is in conscience bound to endure.

A transgression of the Rule, even when it does not bind in conscience, is an imperfection which is at variance with the virtue of obedience. Although the religious does not absolutely break his promise, he nevertheless deviates from the more perfect observance of his promise.

9

The matter of obedience is twofold — remote and proximate. The *proximate* matter of a vow of obedience is the precept of the Superior. The *remote* matter of a vow of obedience is every act which the Superior has power to prescribe.

Two things, besides *will* to prescribe, are necessary in order to the validity of a precept. These are, in the first place, *power* in him who prescribes—and, secondly, *matter* which is capable of being prescribed.

In a religious Superior there exists a threefold power to prescribe. There is, in the first place, the power of *jurisdiction* which has been bestowed upon him by the Sovereign Pontiff. There is, secondly, the *dominative power* which the Superior possesses in virtue of his subject's donation and delivery of himself. There is, thirdly, the power which arises from his subject's vow.

Whatever is not manifestly bad is to be esteemed by a religious subject good, if it is prescribed by a Superior. In doubtful matters the Superior occupies the better position. He is demanding his right and a debt which is due to him, and reason requires that he should have at least the presumption in his favour.

Anything which is undoubtedly at variance with the Rule is not matter of a vow of obedience, even if the Superior should venture to prescribe it. Such a precept would not be a valid precept, or a true precept. It would exceed the power of him who prescribed it. His power is to edification, and not to destruction.

By his vow of obedience a religious subject is bound to obey his religious Superior only in accordance with the profession of his Rule. The common doctrine of the schools, of theologians as well as of canonists, is that a Superior cannot bind a subject to anything which is entirely foreign to, or which lies altogether outside his Rule. There are certain exceptions to this doctrine, which are, however, not really limitations of it. For instance, greater austerity may be prescribed in punishment of a fault, than that austerity which is ordained by the Rule; or greater austerity may be prescribed by way of prevention for the future. Again, if a religious body should adopt Constitutions which are more austere than those which it had before, individual members of that body are bound to observe them, even if they have not individually given their consent to them, and were not professed in accordance with them. It suffices that the greater part of the Order, that is, of the General Chapter, should consent, even if there should be a minority which dissents. This does not apply when there is a total change. That cannot be made without the consent of all and every member of the whole body. It applies only to an increase and perfection within the latitude and limits of the same Rule and Institute.

10

Relaxation or mitigation of Rule may be threefold. First, by way of dispensation and privilege. This is, however, a lawful moderation of the Rule, rather than

a relaxation of it. Those who enter after this moderation has taken place cannot be bound to observance of the primitive Rule. Secondly, relaxation of Rule may occur through introduction of a custom, which was sinful indeed in those who originated it, but which afterwards prevailed so as to have force of derogating from Constitutions which were contrary to it. In this case, a religious is not bound, and cannot be bound to observe the ancient rigour as against the present custom. While the custom subsists, such obedience would not be obedience in accordance with the Rule, the ancient rigour of which is no longer in vigour, but has been derogated from. Such observance, therefore, would not fall under the vow of obedience. Thirdly, a relaxation may be brought about which is in itself and intrinsically evil. This kind of relaxation cannot be affected by prescription or become good through any custom. Such a relaxation can occur only with regard to a matter which is contrary to the vows of religion, and which is so essential that a custom even of the whole Order has no force to prevail in favour of it. Every religious observance which lies outside the vows, or beyond that which in a particular Order has been, explicitly or implicitly, directly or indirectly, promised by the members thereof, is of only human constitution, and does not convey with it an obligation against which a contrary custom has no force to prevail. A relaxation or custom against the substantials of religion can never prevail. It is contrary to divine and natural law. The vows bind to observance of all and everything which is of the *substance* of religion. If the relaxation should concern matters which are directly contrary to vow, even apart from any precept of obedience, there will always remain an obligation in virtue of the vow with which the relaxation is incompatible. If the relaxation should concern observances which contribute not a little towards the preservation of substantials, even if the vows do not immediately bind the religious to these

observances, there will always remain in the Superior the right to prescribe these observances.

II

In all human obedience, or obedience of men to men, there is necessarily a twofold limitation. That which is prescribed must not be evil, either intrinsically, or by reason of the precept or prohibition of a Superior. Secondly, the matter of obedience must be something which is not contrary to the Rule, or to that state of religious life which has been professed. If it were, it would destroy that state, and would hinder rather than promote the progress of the religious towards perfection.

Given this twofold moderation of human obedience, obedience is *more perfect* in proportion as it is *more universal*. That obedience which is *most universal* will be objectively the *most perfect*.

All religious bodies do not profess evangelical obedience in its most perfect form. It does not, however, follow that the religious state, which is common to all religious bodies, should not be the state of perfection. It is one thing to speak of the state of perfection *essentially* and absolutely, and it is another thing to speak of a perfect, or a more perfect, or a most perfect manner of life within the limits of the religious state, as that state is the school of perfection, or a way towards perfection.

To the *essence* of the state of perfection it is not necessary that every one of the counsels, or even that the principal counsels should be professed in the highest possible perfection of their observance. It suffices to profess the counsels in accordance with some prudent Rule, which is accommodated to some perfect end. A state of perfection which is in itself perfect, or which is the most perfect, is not due to every particular religious state, although a body which does not profess it in so far lacks a greater possible perfection. In this sense, all things else being equal, that body is less

perfect than is a body which does profess the utmost possible perfection.

12

In virtue of a vow of religious obedience it is man only that has to be obeyed, or God as prescribing by means of mortal man. The vow does not bind a religious to obey God as prescribing by Himself immediately, or prescribing by means of an angel or a saint, or in any other extraordinary way. It does not bind him to obey every man. It binds him only to obey that man to whom he has voluntarily given and delivered himself. Hence it does not bind him to obey the Church, or the prelates of the Church, as such, and in virtue of their ordinary jurisdiction alone.

The vow of obedience binds a religious to obey all the Superiors of his Order, each in his own place. The power of all religious Superiors is one, and it has the same foundation—namely, the subject's vow and profession. There is, nevertheless, among Superiors an order and relation of dependence, without which there would ensue confusion and perplexity. When a higher and a lower Superior give contrary precepts, the vow of obedience binds a religious to obey the higher Superior, without heed to the precept of the lower Superior. This follows both from the higher Superior's power of jurisdiction, and from his *dominative* power.

Jurisdiction flows to a religious Order from the Sovereign Pontiff. It is derived with due regard to order, so as not to be bestowed on lower Superiors, except through higher Superiors who are their Superiors, or at least with dependence on those higher Superiors. Hence a higher Superior has power to restrict the jurisdiction of a lower Superior, or to revoke his precept. In that case the obligation of the vow of obedience as regards the lower Superior ceases. When a higher Superior prescribes the contrary of that which has been

prescribed by a lower Superior, he thereby sufficiently revokes the precept of the latter.

The jurisdiction of a lower Superior is limited either in virtue of the nature of the case, or by the intention of him who bestowed it, so that the jurisdiction of a lower Superior cannot prevail in opposition to the jurisdiction of a higher Superior. After a higher Superior has issued his precept, the contrary precept of a lower Superior henceforth concerns unlawful matter, or matter which is evil—not necessarily in itself, but inasmuch as it has been forbidden.

It must be clear, however, that there is real and true contrariety between the precepts of the two Superiors. It sometimes happens that a lower Superior has power to dispense with regard to the law or precept of the higher Superior or to interpret that under certain circumstances that precept is not binding.

13

The Sovereign Pontiff has power to prescribe directly to individual religious in any matter which is capable of precept, and so in every matter in which religious Superiors have power to prescribe. The Pontiff is no less an *ordinary Superior* than is the General of the Order. He is, moreover, in a sense in which the General is not, the *principal Superior* of the Order.

Religious, in making their vows, are supposed to have the intention of promising obedience to all the Superiors by whom they may be governed in accordance with regular discipline. Among these the Sovereign Pontiff holds the first place, and so it is to him primarily that religious promise obedience.

Further, when the Sovereign Pontiff approves a religious Order, he takes it specially under his own care and patronage. It is he, therefore, who principally accepts the vows and the donation and delivery of themselves which are made by the religious. Hence it is his will that to himself principally their vows, and their

donation and delivery of themselves, should be made. Even if this is not specially expressed in their profession, it is nevertheless therein to be understood.

Finally, since the whole of the power which is possessed by any and by every Superior is derived from the Sovereign Pontiff, a religious could not possibly and consistently with order be more bound by his vow to a lower Superior than he is to the Sovereign Pontiff, who is the Supreme Prelate of his and of every other religious Order.

14

A Bishop has power, in the case of religious who are *not exempt* from his jurisdiction, to prescribe and dispose even in matters which belong to regular life. That which the Sovereign Pontiff can do in the case of religious who are *exempt*, the Bishop can do in the case of religious who are not exempt from his jurisdiction, as he is an *Ordinary* spiritual Pastor to whom the care of their salvation belongs more principally than it belongs to their own religious Superiors. In virtue of his jurisdiction, therefore, the Bishop has power of supervision of religious discipline and observance, and he can dispose and alter in every matter which the Pontiff has not reserved to himself, and which is *not beyond the Rule*. The Bishop's precept is to be preferred to the precept of lower Superiors, provided always that it is to edification, and not to destruction.

Hence, religious who are subject to a Bishop promise obedience to him as to a true and principal prelate of their Order. Whatever the Provincial of an exempt Order has power to prescribe with regard to regular discipline, in virtue of his quasi-episcopal jurisdiction, that the Bishop has power to prescribe in a monastery which is not exempt, and which is therefore subject to his jurisdiction. The Bishop can also impose his precept under pain of excommunication. The Sovereign Pontiff, as matter of course, always retains his own *supreme*

power over religious who are not exempt from the jurisdiction of the Bishop, inasmuch as that supreme power belongs to him of *divine* right. Hence when the Pontiff exempts religious from the jurisdiction of the Bishop, he is not usurping anything new for himself. He is either retaining the jurisdiction which he might have communicated to another, or he is transferring to the Superior of the Order that which he had previously communicated to the Bishop. Religious, therefore, who are *not exempt* have in their vow of obedience regard primarily to the Sovereign Pontiff, and under him to the Bishop; in the same way as religious who are *exempt* have regard primarily to the Sovereign Pontiff, and secondarily, and under him, to their General or Provincial.

As regards the Bishop's power in Congregations which are not exempt from his jurisdiction, it has carefully to be distinguished whether these Congregations are merely diocesan or not. If they are merely diocesan, and exist solely by permission of the local Ordinary, they are wholly subject to his authority and jurisdiction. In the case of an Institute which (although not exempt) is under the obedience of a General Superior or Superioress, and is spread abroad in several dioceses, no Bishop can be Superior of the Congregation, but every Bishop can exercise his jurisdiction over the Houses which exist, and the religious who are living within his diocese, in accordance with the Sacred Canons, and with the Constitutions which have been approved by the Apostolic See. The authority of the General Superior or Superioress for the government of the whole Congregation, as determined by its approved Constitutions, must not be interfered with, for otherwise that unity and uniformity would be subverted for the preservation of which a General Superior or Superioress was established. The Bishop therefore cannot mix in matters which regard the general government of the whole Institute or Congregation, even if the principal House should be situated within his diocese. He has no power to induce any change in the Constitutions, especially if they have been approved by the Apostolic See.

The Bishop ought to be heard in the case of the expulsion of a sister from any convent within his diocese. He has also the right to preside at the election of a Superioress. He has this right of presiding in the Chapter, in order that all matters may be transacted quietly and in peace, without any violence, and without any juridical defect. He cannot, however, take part in the deliberations of the Chapter, nor can he vote, and still less can he impose his vote.

The Bishop's consent ought to be obtained for the erection of a new House, and he ought at least to be heard when a House which already exists in his diocese is to be abandoned. He ought to examine the novices with regard to their vocation, both at their entrance and before profession. The Bishop has the right of inspection with regard to faith, common life, and the reparation of scandals and abuses, but domestic arrangements rest not with him, but with the Superioress. The right of visitation belongs to the Bishop within the limits of his competence. A General Superioress, while she has the right of visiting all her houses for the preservation of religious discipline, is to abstain from visitation of the church, or of matters which pertain thereto. This belongs to the Bishop alone. The administration of the goods of the whole Congregation belongs to her, and not to the Bishop: but abuses committed in administration fall under the jurisdiction of the Ordinary. In cases of abuse he can make himself acquainted with the administration, and restrain all excesses.

If the Bishop objects to some particular sister remaining in his diocese, the General Superioress will take pains, as far as possible, to meet his wishes, and to substitute another sister in place of her. Even though the Superioress has the right to transfer any sister from one place to another, without the Bishop's consent, she ought nevertheless not to use this right unless necessity, or some very well grounded cause demands it. In that case she should not fail to inform the Bishop with regard to the matter by letter, and that couched in the most reverential terms. See Zitelli, *Apparatus Juris Ecclesiastici*, pages 243-248.*

15

The local Superior, by whatever name he may be called, has, by the usage of all religious Orders, power to prescribe *in virtue of obedience*. This power exists in him as *ordinary* power. He possesses this power in virtue of his office. His possession of it is necessary in every religious house, in order to the government of that house. This power, being *ordinary*, can be delegated in every case in which delegation is not forbidden.

Abbesses and Prioresses, or other Superioresses of religious women, have power to prescribe *in virtue of obedience*. Although they are not prelates, as regards power of jurisdiction, of which as women they are incapable, they are superiors as spiritual mothers—and as

* For the practice in the case of Institutes which have been erected under the Sacred Congregation of Bishops and Regulars see the last Chapter of this work.

possessing the *dominative* power which arises and is derived to them from the donation and delivery of themselves which, along with their vows, were made by their subjects.

16

Besides those matters which in observance of obedience are of necessity of *precept*, there are other matters which belong to *counsel* only, even supposing the existence of a vow of obedience.

In observance of any law or precept there can and ought to be a concurrence of three things. There should be, in the first place, *execution* of that which has been ordered. There should be, secondly, an *intention* to do that which has been prescribed. There should be, thirdly, a judgment of the understanding by the religious subject, which dictates both that execution and this intention.

In the *execution* of that which has been prescribed, either as to be done, or as to be left undone, consists the *substance* of actual obedience. By execution the precept is *substantially* observed. Execution of that which is prescribed is the proper matter of a precept of obedience. To this the precept directly binds a subject.

Besides simple execution, there are certain conditions which concern the *mode* or manner of execution. One is that, without waiting for a precept, or for any sign whatsoever of the intention of a Superior to prescribe, execution of that which the Superior is known to will should at once follow. A second condition, in order to perfection of execution, is — promptitude. A third condition is that before proceeding to execution there should be—no excuse.

Excuses may sometimes be contrary to the *substance* of the vow of obedience, when a precept has been given, and the excuse is either in itself at variance with that which has been prescribed, or is not true, but feigned or coloured.

17

Some kind of intention is necessary on the part of the religious in order to the existence of the *substance* of obedience. There is besides this another kind of intention which belongs to *perfection* of obedience. Obedience, as it is a human and moral act, or the act of a man who is endowed with intelligence and freedom of will, cannot possibly exist apart from intention on the part of the agent. It must also proceed from his intention, as that intention is the intention of a man whose will is *subject to the will* of his Superior.

If a subject does *only materially* that act which has been enjoined by his Superior, he cannot be said properly to *obey*. He is not of his own intention observing a precept. It simply happens that his intention concurs with that precept. So far as his disposition is concerned, it is not more borne towards observance of the precept than it is borne towards non-observance of the precept. It is necessary, therefore, that the will of the subject should in some way be borne towards the act, as it falls under the will of the Superior. Otherwise, obedience cannot strictly and properly exist, even as regards execution.

The will may be borne in two ways towards an act, as that act is enjoined by a Superior. The will may be borne towards the *material object* only, or it may be borne towards the *proper motive* also. It suffices to satisfy the precept of obedience—so that the precept should not be sinned against—that the will should be borne towards the material object only. It is necessary, in order to the exercise of a proper and specific act of the virtue of obedience, that the will should be borne towards the proper motive also. In order that there may be such an act of obedience, the motive for doing the action must be—*because* that action has been prescribed.

A religious Superior, when he is prescribing, is simply exacting from his religious subject the debt of that

subject's promise, which he made to God by his vow of obedience. Not to obey is consequently to sin by non-fulfilment of a vow. It is, therefore, while materially a disobedience, at the same time a sacrilege.

To satisfy the obligation of a vow of obedience it is not necessary to obey *formally*, from a motive of religion, or for the purpose of fulfilling the vow. If a religious does that which he has promised—being actuated by an intrinsic motive of fear, or of love, or of hope of reward, or from affection towards the particular virtue to which the act prescribed belongs, such as, for instance, temperance—this will suffice for the fulfilment of his vow of obedience. By that vow he did not promise to obey for this or for that motive. He promised simply to obey.

When the obligation of the vow of obedience is not present, the act of a religious cannot possess that peculiar excellence which consists in observance of that vow. These two, the *obligation*, on the one hand, and the *observance*, on the other hand, are correlatives. The one cannot exist without the existence of the other.

The vow of religious obedience does not, in itself and immediately, bind a religious to any act whatsoever, except through intervention of a precept of his Superior. Until the Superior gives a precept, the practice of the subject's vow has no place. The vow has for the matter of it the precept of the Superior. Hence, so long as a precept is not imposed, the vow cannot properly be exercised; except in affection, and in preparation of mind, and by manifestation of prompt will for observance, if matter should at any time be supplied.

18

If it is argued that, this being so, it would be more advantageous for individual religious if they were always being commanded by means of a proper precept—because in that case they would always be acting in virtue of

their vow of obedience, a mode of action which is more meritorious—it is to be answered that, in the first place, this would not be expedient, by reason of risk and failure. It is possible, moreover, for the merit to be supplied by means of the goodness of the will of him who obeys. It is, in fact, so supplied by reason of the more free and spontaneous will which is made manifest by anticipation of a precept. It is supplied also by reason of intention and preparation of mind gladly to fulfil the precept, if the act in question should happen to be enjoined. Even this kind of obedience can have its relation, in virtue of religion, to religious homage paid to the Divine Majesty. It can, moreover, by intention of him who obeys, extend even to observance of his vow, so as to participate in the excellence of that vow. A religious subject may have the will to obey, even in those matters which have not been prescribed. He may make this intention in order to increase his distance from transgression of his vow; and also in order to habituate himself to observance of his vow in the most perfect manner.

True and *formal* obedience has for its object a *proper* precept. A proper precept includes even a precept which binds under venial sin only. The reason is because obedience has reference to the Superior *as he is Superior*, and not as he is a friend, or a prudent counsellor, or the like. A Superior is constituted, as we have seen, in his character as Superior, either by means of his *dominative* power, or by means of his power, of *jurisdiction*. Apart from these, men are equal. Obedience, therefore, has reference to the Superior as to a man who is exercising either his dominative power, or his power of jurisdiction. If he is not exercising either the one power, or the other power, he will not be acting as Superior. *Actual obedience* to him will not, therefore, have any place, although there may exist an *aptitudinal obedience*—that is, a readiness to obey. When a religious Superior wills something to be done by his religious subject, but does not have the will *to bind him*

in any way under sin, then that Superior does not really *move* his subject as he is his Superior, or as he is a man who possesses either *dominative power* or *jurisdiction* over him. He is acting only as if he were nothing more than a *moral* cause, counselling and morally impelling his subject to some action by that subject's own judgment, and by his own simple will.

In this case the religious subject does not make a proper act of the special virtue of obedience. He makes at most an act of charity, or an act of humility. He may make an act of charity, if he does the action simply for the sake of union with his head. This may, in a wide sense, be called obedience. It is a movement of one man's will at the will of another. It will nevertheless not be an act of obedience, as obedience is a special virtue. It may be called an *obedience of charity* in the sense that if a man were to know that it was the will of God that he should do some action—although God did not will to prescribe that action—that man's willing to be in conformity with the divine will, although it would not be an act of the *special* virtue of obedience, would certainly be an act of *charity* towards God. In the same way, an act of will to do works of counsel, simply and solely on the ground that they are better pleasing to God, is an act of *charity*, although it is not an act of *obedience*.

A specific and formal character of obedience may, however, be added to such an act, and that in two ways. First, if the act is done with the view of perfect disposition and preparation to obey precepts whenever these may be given, and of removing every peril of resistance to formal obedience, if obedience should be demanded, then this act will have the character of specific and formal obedience.

This intention is not an intention which it is just possible to excogitate. It is not an extraordinary intention. It is an intention which is of ordinary occurrence in religious life. When religious subjects act at the nod

of their religious Superiors, without waiting for a proper precept, they are looking to the shadow which is thrown by a possibly coming precept. For the better observance of their vow, they are obeying, as it were, by anticipation.

Secondly, when a religious Superior simply commands, and has not the will to exercise his power of jurisdiction, or even his dominative power, he nevertheless does not have it in his power to divest himself of the authority with which he is clothed, and which belongs to him as he is Superior. As he is head of a religious body, his will has necessarily annexed to it a peculiar dignity and excellence, from the personal circumstance of his superiority. By reason of this a Superior's will has a special force of moral movement. This force is greater, and it is of a different character than is the force which is possessed by the will of a friend. The same may be observed in the will of a parent in relation to his child, and in the will of a master in relation to his servant, even when there is in master or in parent no intention of rigorously prescribing and of binding either servant or child in conscience. From this there follows in a religious a natural obligation to conform his will to the will of his Superior. Natural reason demands that between those two wills there should be conformity and subordination.

19

The matter of the *virtue* of obedience is wider than is the matter of the *vow* of obedience. A man does not vow to obey all precepts, natural and positive, divine and human, but only to obey the precepts of certain Superiors. A greater number of acts, especially internal acts, can be elicited by the *virtue* of obedience than is promised by the *vow* of obedience.

Since it is sufficient in order to the *substance* of obedience to have the will to execute that which is prescribed, every affection which goes beyond this, and which contributes towards the doing of the action more carefully, or more

promptly, or more pleasantly, belongs to the *perfection* of obedience.

First, and principally, there belongs to perfection of obedience a pure and formal intention to obey in order to observance of a precept, and to fulfilment of the will of the Superior—or, higher still, to fulfil the will of God, which in and by means of the will of the Superior is applied. Obedience of this kind is exercised under the influence of no ordinary virtues. It is universal by reason of the universality of its motive. Hence it most excellently disposes a man to obey in all matters of obedience. This perfection is set before us in the words of Christ to His Eternal Father—"Not My will, but Thine be done"; and again—"My meat and My drink is to do the will of Him who sent Me."

St Ignatius says that that obedience is very imperfect, and not worthy the name of virtue, in which a subject does not make the will of the Superior his own, and does not so agree with it that there is not only execution in effect, but also consent in affection of the will, so that the wills of both Superior and subject should be the same. It is for this chiefly that St Thomas sets obedience above all other moral virtues, that obedience subjects and immolates a man's will to the divine will.

Secondly, it belongs to perfection of obedience that the will to obey should not only be absolute, but also entire. That will is *absolute* which is efficacious to operate. This belongs not only to the perfection, but also to the necessity of obedience; since without this there cannot be execution of the precept. That will is *entire* in which there is no conflict or contradiction, or contrary affection or desire.

An affection which is at variance with the ordinances of obedience may be merely natural, and compatible with a well ordered and regulated nature. This natural affection does not in itself imply imperfection. If it does not retard or diminish the efficacious affection to obey,

it will in no way diminish perfection of obedience. Thus we find that Christ, in His obedience unto death, permitted to Himself the exercise of the affection of shrinking from death. This in no way retarded Him from prompt will to obey.

A man may also have an affection at variance with the matter prescribed, which arises from some inordination either of nature or of habit. This is the case when a man, from a vehement impulse of the sensitive appetite, desires something other than that which has been prescribed; or when he is affected with too great a love for something which is contrary to that which has been prescribed. If, in spite of this contrary impulse and affection, he promptly and efficaciously obeys, his obedience—although it may be accompanied with some imperfection in virtue of another kind—will nevertheless in itself be perfect. Obedience in such a case may sometimes be even more perfect than it would otherwise have been. Since, however, as a rule and morally speaking, repugnance must in some way retard willingness to obey, that obedience is said to be imperfect which is accompanied by *immoderate* contrary affections. It will be the more imperfect, the more voluntary these are.

Thirdly, it also belongs to perfection of obedience that a man should, as far as possible, be affected towards *the matter* which is prescribed. In that case operation is more voluntary, and this belongs to the perfection of virtue. When the affection for a matter prescribed is merely human, and of a lower order, it may easily incline the will to operate from a human motive, rather than from the motive of perfect obedience. Still, even if the obedience has in it somewhat of self, as concerning a matter to which a man is himself otherwise inclined, it is nevertheless possible for it to be entirely perfect. The will can, in its freedom, with the aid of divine grace, operate from the pure motive of obedience, not-

withstanding the presence of that concomitant natural affection.

Fourthly, affection for the Superior himself is also of great assistance towards perfection of obedience. It was a counsel of St Jerome—"Fear the Superior of the monastery as a master, and love him as a father." St Ignatius exhorts us to regard Superiors with internal reverence and love, and that we should proceed in the spirit of love, and not with the disturbance of fear. Although true obedience does not spring from friendship for a man, even if that friendship is supernatural and holy, it is nevertheless greatly aided by such an affection, as by a most excellent disposition. Any disposition, therefore, of the will which inclines it to love or to gratitude towards a Superior, and which is good in itself, is not to be rejected or to be despised. It is in itself a help, and it does not exclude the true motive of obedience.

Among other perfections of obedience, as regards the will, there is this—that the act of obedience, should be accompanied with gladness and spiritual joy, and that it should be done in humility, and with a constant and persevering spirit.

20

Obedience formally perfects the *will*, since obedience is a moral virtue. The will is a power which moves all the other faculties to free exercise of their actions, and proper obedience is found only in free actions. Hence, as the will depends on the understanding in its action, so does perfection of obedience depend on perfection of the understanding. The will depends on the understanding as on that which enlightens, which moves, and which directs it. The understanding sets before the will its object. Perfect movement and direction require, in the first place, perfect consideration of the good to be pursued, and, secondly, removal of every

cogitation which might turn away or hinder the will from its affection towards or its pursuit of that good.

In order to perfect obedience, therefore, there must be contemplation of God in the Superior, and apprehension of the precept of the Superior as proceeding from God. By this there is not demanded from a religious subject any false idea or estimation of the Superior and his precept; but only a raising of the mind to consideration of the supreme reason and motive for which obedience is given, which is the divine authority and will. He who so obeys forms a judgment, not that his Superior is God, but that his Superior represents God to him, as God's vicegerent. This is most true, since St Paul says of all magistrates, that they are ministers of God, and that they have their power from God. Neither does a religious subject judge that the precept of his religious Superior is a *divine* precept—that is, a precept given immediately by God Himself, since it is evident that the Superior is his fellow-man. He judges, however, that the *reason* or *motive for obeying* is *divine*. It is the will of God which is being fulfilled when the will of the Superior is fulfilled. This is that which ought to be the primary reason or motive of all obedience.

In a religious, moreover, there is another and a peculiar reason for this divine homage in obedience, and that is the special vow by which he has consecrated himself to God. By reason of this, the precept of his Superior is in a manner on the level with a precept given immediately by God Himself.

Further, when a religious subject contemplates Christ in his Superior, although he does not suppose that his Superior cannot possibly err, he can nevertheless—when no manifest evil is apparent in the precept—make a judgment that, as matter of fact, the Superior is not in error. This is not a rash judgment. It is a judgment which is founded in sufficient authority and reason. The religious subject conforms his judgment

to the judgment of his religious Superior with a *human* faith. This faith is, however, founded in a manner in hope of a divine providence over the Superior, on account of his superiority.

Notwithstanding all this, reasons may possibly occur which prompt or may urge a contrary line of action. In that case perfection of obedience does not prevent those reasons from being set before the Superior. This must be done with a pure intention, and not from an affection of excusing himself from the burden of the precept, but from a desire that that should be done which is most expedient for the end which is aimed at by the Superior. If, notwithstanding these reasons—and even if the reasons should appear to the religious subject to be absolutely evident—his Superior should still persist in his precept, that precept, since it is not manifestly evil in itself, is to be carried out.

That this should be done to perfection, it is not necessary to form a judgment that the matter which has been prescribed is useful. It is necessary only to judge that it is personally useful for the subject to undertake it, and to carry it out as far as he can. This is the *practical certainty* which is not incompatible with previous speculative doubt.

In order that this practical certainty may be more constant, and consequently that the obedience may be more prompt, the best counsel is not to discuss the fitness of the matter in itself. With regard to its fitness, judgment should, as far as possible, be suspended, and a judgment made that that which has been prescribed is just.

The *blind obedience* which is given by perfect religious to their Superiors, does not consist in absence of judgment. A man is to obey not like a brute animal, or in a stolid way, but as befits a man of right reason. The Fathers who use this phrase require lynx eyes in the perfectly obediently religious. By means of them he is at once to discern God in his Superiors, and also to discover sin if sin should exist in a precept.

Religious blindness of obedience should exclude the human reasons by which men might be moved to obey a Superior, because he is learned or prudent, or because he prescribes things which are pleasing to them, instead of being moved solely by reason of the will of God. Religious blindness should exclude also the human reasonings by which a religious subject might examine into why his Superior should so prescribe, or why he should prescribe this or that to him, and not to another.

In short, religious blindness of obedience excludes *the prudence of the flesh.* It does not exclude a prudence which is spiritual and supernatural. Since obedience is among the most perfect virtues, it no less requires than do other moral virtues, in order to the right exercise of it, the guidance of prudence. It is proper to obedience that the prudential judgment which directs it should be founded more in an extrinsic principle and in the judgment of the Superior than in one's own judgment. As obedience excludes one's own judgment, it is called a blind obedience. It excludes one's own judgment, however, only in so far as that judgment is vitiated and imperfect, but not so far as implies exclusion of all use of one's own understanding. As a blind man is led by another man and sees, as it were, with another's eyes, so is it in dealing with a religious Superior. An obedience of this kind is necessary in order to all well-ordered government, whether that government is political, economic, military, or otherwise. If a servant or a soldier ought always to perceive and to understand the reasons and the causes which move his master or his leader, all government would be morally impossible. A religious Superior, moreover, is not seldom moved to prescribe by reasons which are higher and more universal than are those which a religious subject can perceive for himself, or which it is expedient for him to know. In the process of building, the masons are directed and moved by the architect. It is absolutely necessary that they should obey, even if they should not understand the reasons for

which they are moved. The greater the concord between Superior and subject the better, both in itself and in order to action. This concord can be secured only through conformity of the subject with his Superior, and not by conformity of the Superior to his subject.

Obedience of the judgment is also more perfect, inasmuch as it is necessary in order to various perfections of obedience. Promptness, alacrity, perseverance and the like could scarcely co-exist or be compatible with divergence of judgment between a religious subject and a religious Superior.

19

By dispensation from religious profession a man becomes from being a religious to be not a religious. He is thereby set free from his vow of religious obedience.

Without dispensation from the religious state it is not possible for a vow of religious obedience to be entirely and directly dispensed. This vow is of the essence of that state. It could not, therefore, be abolished while at the same time that state continued to endure.

The Sovereign Pontiff has power to dispense a religious so that he could lead a solitary and private life, free from all obligation of obedience to the Superiors of his Order, while observing everything else which is of the substance of the religious state.

The Pontiff would, in so doing, be dispensing, however, not from the vow of obedience, but at most from normal exercise of the obedience, which had been vowed. The dispensed religious would always remain under the yoke of a special obedience. He would, in any case, remain bound in obedience to the Pontiff himself.

For avoidance of vain imaginations and expectations, it may be remarked that this is rather a speculative than a practical case.

CHAPTER VIII

THE OBLIGATIONS OF RELIGIOUS

A RULE is that which briefly expresses a law. The law is not taken from the Rule, but the Rule is composed from the law. It supplies a principle or norm for the direction of moral actions. The word Rule, nevertheless, does not signify a rigorous precept which binds in conscience. It signifies only a *simple ordinance* for direction of moral conduct. In this sense it is applied to signify a religious Rule, as such a Rule in a stricter and more perfect manner directs the actions of religious. For this reason religious are called *Regulars*, as persons who are bound to lead their lives in accordance with a certain Rule (*regula*). The word *rule* is sometimes used to signify a single ordinance or law, and sometimes to signify a collection of those ordinances or laws which together form a norm of living in accordance with evangelical perfection. In this latter sense a rule contains many rules. In this sense we speak of the four Religious Rules which have been specially approved by the Church —the Rules of St Basil, St Augustine, St Benedict, and St Francis.

If the word *rule* is taken in its single sense, every religious *Constitution* is a *Rule*. If the word is taken in its collective sense, the Rule of every religious Order comprehends all its Constitutions which, taken as a whole, present the norm of living which exists in that Order.

When religious promise obedience *according to the*

Rule, the Constitutions are understood as comprehended. The religious would not otherwise be bound to obey in accordance with the Constitutions. In this sense there are not only four approved Rules, but as many Rules as there are approved religious Orders in the Church. There cannot be any religious Order without its own Rule, that term being understood as including its Constitutions. An Order that had not a Rule of its own would not have any ground of distinction from other Orders. There cannot be an approved Order without its Rule being approved, since the whole perfection and substance of the Order depends on its Rule.

In some religious Orders there is what is *par excellence* called The Rule, which is a collection of precepts which were delivered by the first founder of the Order. This is regarded as the foundation of the Order, or of its mode of life. Such were the Rules of St Basil, St Augustine, and St Benedict. These Rules were so brief as not to contain everything that is necessary or that is useful in a religious community, but to contain only its more principal and substantial ordinances. Hence to those Rules there came to be added certain Constitutions, or new statutes suggested by the circumstances or by the necessities of the times.

Certain Rules also were in process of time adapted to other religious ends, or to the same religious end but with different religious observances, in accordance with various vocations, or with the various pious affections with which God inspired the various founders, or the reformers, or the modifiers of the several Orders. In this way various Orders are said to follow one or other of the Approved Rules, inasmuch as they have taken that Rule as a foundation, and have added to it their own proper observances and ordinances. These—to distinguish them from the primary Rule—they call Constitutions or Statutes. St Francis did not take any one

of the three more ancient Rules as the foundation of his Order. He composed his own Rule, and he obtained for it a special approbation. This Rule the various Orders, or rather the various families of the one Order, of the Friars Minor, follow. The Observantines, the Conventuals, and the Capuchins are living under different Generals, and have each their own Constitutions or Statutes, as distinct from the Rule of St Francis, which is common to all of them.

Hence we see the way in which a *Constitution* differs from a *Rule* in those Orders in which the two are distinct. They do not differ as regards the obligation which they induce. The Superiors of every religious Order govern their subjects, and have power to prescribe in virtue of obedience, in accordance with both the Rule and the Constitutions. The difference between a Constitution and a Rule is, therefore, only accidental, as regards their origin, and inasmuch as a Rule is general and common, while Constitutions are special and proper.

There are many approved religious Orders which do not possess any Rule as distinct from their Constitutions, and whose Constitutions form their Rule. This was not so up to the time of Honorius III., except in the case of the Carthusians, whose Statutes formed their Rule. Since the time of that Pontiff they have been imitated in this by the Society of Jesus, which does not profess any one of the more ancient Rules, but has for its Rule the Constitutions which it received from its founder, St Ignatius, and which have been approved by the Apostolic See.

Hence at the present time there are many more than four *approved Rules* in the Church. There is, moreover, no greater approbation and no approbation of a different kind to be ascribed to the four more ancient Rules, than that approbation which belongs to the Rules of approved Religious Orders which do not follow these. All have been approved by the same Pontifical authority, and in the same terms.

2

At first the Rules of religious Orders were instituted rather by way of instruction and doctrine than by way of law. Later on they were instituted by way of conventional statute, which is not properly a law, but has the force which belongs to it, in virtue of mutual promise and covenant. Finally, when jurisdiction was added by the Church, a religious Rule—including the Constitutions and Statutes enacted by the Order itself in virtue of powers derived from the Sovereign Pontiff—became confirmed so as to have the true and proper character of a law.

Hence a religious Rule imposes some necessity of operation. This is of the idea of a law. In this a Rule differs from a mere counsel. Besides that which a religious Rule contains, there are many things which the religious may do of counsel. As St Benedict says, the whole of perfection does not exist within the limits of the Rule alone. A religious, nevertheless, who should omit other counsels beyond those which are contained within his Rule, is not to be reckoned as failing in his state and office. If, on the other hand, he should neglect his Rule, he is held to fail of his obligation.

There may exist in a law a twofold obligation—an obligation *under sin*—and an obligation *under penalty*. A religious Rule may induce both obligations. The jurisdiction of religious Superiors, where it exists, is perfect, and it extends both to *direction* and to *compulsion*.

Apart from jurisdiction, both obligations may exist in a conventional statute. The one is an obligation of *conscience* in virtue of previous covenant and promise. The other is a liability to *punishment* on the same ground; although compulsion and exaction cannot be so rigorous in this case as it may be in a case of jurisdiction.

A law, and especially an ecclesiastical law, binds sometimes under mortal sin. A religious Rule may so bind, if such is the intention of it; and if the matter

is sufficiently grave to be capable of so great an obligation. Sometimes a Rule binds under venial sin only, when the matter of it is not capable of a greater obligation. There may, however, be a question of terms as to whether such a Rule merits the name of a precept or law, or whether it is only a simple ordinance. When, so far as the matter is concerned, a Rule might be imposed to bind under mortal sin, the author of the Rule may, nevertheless, moderate his intention, and cause it to bind under venial sin only. There may also be a Rule which does not induce any obligation in conscience, even under venial sin, but induces only a liability to punishment. This suffices in order to the idea of a *law*, since it exceeds the idea of a *counsel*. It may be, and it is called by many writers—*a merely penal law*.

Even a merely penal law, however, necessarily involves some obligation *in conscience*, or is resolved into such an obligation. Without any obligation in conscience there would not exist the true idea of a law, and there would not be induced any true moral necessity. If a Rule of this kind imposes punishment on the transgressors of it, it binds them in conscience to at least endure that punishment. It gives a right to the Superior to punish a transgression which he could not rightly punish unless that Rule existed. The Rule binds the subject in conscience to submit to the Superior when he imposes the punishment. The subject cannot violently resist the Superior, if the punishment consists in suffering. If it consists in performance of an action, and that action is strictly prescribed, he is bound to perform that action.

3

In order to know whether a particular religious Rule binds under mortal sin—or under venial sin—or under penalty only, the words of that Rule have to be weighed, and in connection with the custom of the Order.

Certain general principles may, however, be stated. There are four ways in which a religious Rule or Institute

may declare or not declare the manner of the obligation which it induces. It may, in the first place, distinctly set forth that the mind of the Order is to bind in virtue of a precept as far as it can, and as far as the matter will admit.

Secondly, a religious Rule may explain that it binds under venial sin only, unless by special words a greater rigour of precept is expressly declared.

Thirdly, a religious Rule may explain that it does not bind in conscience under any even venial sin, but only renders the transgressor of it liable to punishment.

Fourthly, without declaring any of those modes of obligation, a Rule may be given simply by ordaining, instituting or prescribing certain things as things to be done.

4

Transgression of a Rule may be either by way of commission, or by way of omission. In both cases there is to be distinguished that which is either *done* or *omitted* to be done *without leave*, and *failure to ask leave* to do or not to do the thing in question. When an act is forbidden by the Rule, but is not evil in itself, or evil through ecclesiastical prohibition, there comes to be considered the *motive* for which that act is done. If that motive is really good, then the act is not a sin. Simple opposition to the Rule, or failure to ask leave, is not a circumstance which is sufficient to vitiate the act. The prohibition is not, of the intention of the author of it, such as to render the act evil. This he has himself declared when he laid it down that he did not will his Rule to bind in conscience. It rarely happens, however, that a religious is acting from an entirely good conscience when he is acting in opposition to his Rule. It is generally from slothfulness or for the sake of some personal gratification, and so his act is not free from all venial sin. When a motive is good, and an omission of that which is prescribed by Rule is not in itself evil,

there will be no sin. Venial sins may be committed apart from any obligation of religious Rule, and by reason simply of the irrational character of the will of the religious, or his want of will.

The doctrine is the same with regard to omission to ask leave. This omission always infers some transgression of Rule; nay, in this omission the transgression chiefly consists. If leave has been asked and not obtained, and a religious does or omits something, contrary to Rule, there is then some peril of contempt of the Rule.

5

A religious is absolutely bound to progress in some measure in the way of perfection; since, in virtue of his profession, he is bound to have the will to observe a state which in itself is of counsel only, and not of precept. This is intrinsically to have the will to aim at, or tend towards perfection.

A religious is not bound under mortal sin to have a purpose to observe all or any of those things which he has not promised, or which he has not had specially prescribed to him. Morally speaking, however, a religious can hardly have a due intention of his own salvation, unless he intends this also. A man in the world can hardly, morally speaking, have a firm purpose never to commit mortal sin, unless he sometimes does works of supererogation, and has either a formal or a virtual purpose of doing such works. In the same way a religious cannot have a firm purpose to observe all things which are necessary to charity and to perfection in his state, unless he is prepared to do many things in particular which are not prescribed. These cannot morally be altogether severed from those things which are prescribed.

When a religious Rule does not bind under any sin, but only under penalty, a religious does not sin mortally, who has a purpose not to observe a rule, so long as he is prepared to bear the punishment. If a religious were,

on the other hand, resolved to be so free from the yoke of the Rule as not to be prepared to bear the punishment of transgression of the Rule, however strictly that punishment might be prescribed by his Superior, or if he were prepared, if necessary, to resist his Superior, he would without doubt be sinning mortally. He would be indulging a disposition which is directly contrary to his vow of obedience. He would also be resisting the Rule not only as it is a merely penal law, but also as it resolves itself into an obligation of conscience which is grave of its own nature. This obligation is that of refraining from resisting a Superior who is acting within his right and procuring observance of the Rule. So long as a religious is prepared to submit to punishment, he will not sin even venially by his purpose not to observe a rule which does not bind under sin. Morally speaking, however, there cannot be found a religious so straight and upright in substantials and necessary matters as to resolve to preserve these uninjured, who in other matters is so remiss as to intend to observe no rule whatsoever, but always to transgress all rules. This could hardly happen without *contempt* of the Rule.

There may easily, however, be found a religious who is so remiss as, contenting himself with observance of substantials and necessary matters, not to trouble himself about other matters, and to resolve to observe the Rule not always, but then only when religious discipline and order should compel him by a moral necessity, or when he could observe it without much trouble or difficulty. It may possibly consist with such a purpose that he should have the will, by means of certain actions, the doing of which is either in accordance with the Rule or beyond the Rule, to do many works of supererogation. It may, at anyrate, consist with such a relaxation of life, that this religious should have the will to love God more intensely, and to exercise his love more frequently by acts of love than he is bound to do, and to do this belongs to matters of counsel.

When a Rule binds under venial sin, and not under mortal sin, it is a grave venial sin to form a deliberate purpose of breaking the Rule, if occasion should offer. Apart, however, from peril of a more grievous fall, to which such breach of Rule should give occasion, and apart from contempt of the Rule, this purpose will not be a mortal sin. The case is similar to that of a man in the world who has a purpose to keep all rigorous precepts, but not a purpose to avoid venial sins, should occasion offer.

Venial sin may become a disposition towards mortal sin, but it rarely happens that remissness in observance of less important rules, even when directly voluntary, is on this ground mortal sin. Such negligence is in itself only a remote disposition, unless there should be particular circumstances which cause it to be a proximate occasion of mortal sin.

6.

There will be *contempt* of the Rule, if a religious should formally despise the Rule as useless in order to his perfection, and should on this ground transgress the Rule. In so doing he is not necessarily in error *against faith*. From the approbation of the Rule it follows only that it does not contain anything which is contrary to morals, and that it does contain a method which is useful in order to perfection. It does not follow, from the fact of its having been apostolically approved, that the Rule must necessarily be useful in the case of every particular individual—nor does it follow that it should in itself be more useful than are other rules or other means of perfection. If, therefore, a religious conceives a contempt for his Rule, either solely as it regards himself, or solely in comparison with other means of perfection which he excogitates, and which he believes would be more useful for him individually, he does not thereby oppose himself to the approbation of the Sovereign Pontiff—nor does he fall into error against faith in virtue of such contempt.

Exchanging the Rule for something of one's own invention may sometimes spring from excessive presumption and pride. It will then amount to mortal sin when, in the judgment of the prudent, it exposes the religious to peril of apostasy, or of failure in substantials or matters necessary to his state—and when in spite of this he perseveres in his own judgment and disposition.

A general intention on the part of a religious not to subject himself to his Rule, even if this intention should spring only from self-love and sloth, is contempt of the Rule. It is virtual contempt, however, rather than formal contempt. If on the other hand, a religious not only intends not to be solicitous about observance of his Rule, but also intends never to observe his Rule, although he could easily do so, this disposition will either be mortal sin, or it will certainly be no small disposition towards mortal sin. It can hardly be entertained without *formal* contempt.

The saying that—"Not to make progress in the way of God is to fail"—is to be interpreted as meaning that not to make progress in *substantials*, and necessary matters of one's state, is to fail substantially. Not to make progress in accidental counsels is to fail in perfection only. This may frequently be a venial and not a substantial failure.

So also the saying of St Bernard—"Not to go forward is to go backward, and not to ascend is to descend"—is to be understood not as applying to religious only, but as applying also to all Christians. It does not mean that not to grow in grace, without, however, falling into mortal sin, is to go back in the way of God. This would not be true. It does not refer to mortal sin—nor does it refer to any diminution of grace. Grace cannot be diminished apart from mortal sin—by which the whole of grace is lost. It refers to venial sin, or to an increase of inordinate affections which hinder the course or the easiness of virtue.

The Fathers by such sayings mean to teach that in this life it is perilous for a man to suppose that he has made sufficient progress, and perilous therefore to desist from all care and effort to make more. When they speak of failure, it is failure from perfection, and not failure from grace, to which they refer.

Finally, a general purpose of non-observance, which regards the whole Rule, may more easily verge on contempt, or will place a religious in graver peril, than will a particular purpose with regard to this or that rule. Frequent actual transgression of the Rule may spring from frailty only, or from negligence. There is not in such transgression so great a risk of arriving at contempt as there is in formal deliberation or purpose.

7

The use of a religious habit is as ancient as is the Church herself. St John Chrysostom says that in this matter monks imitate Elias and St John the Baptist, who made manifest by means of an external habit the austerity of the life which they professed. There are many reasons why religious should have a special habit. Among other reasons it may be worn for the sake of poverty, or for mortification, or as a profession of humility, abjection and penance, and in order to distinguish them from lay persons, and from the secular clergy. Every Order has its own special habit, to distinguish the members of it from members of other Orders.

A religious is bound under mortal sin not to lay aside the habit of his Order. Desertion of the habit is one mode, and a frequent mode, of apostasy. A professed religious who rashly, or without sufficient reason, divests himself of the habit of his Order, incurs thereby the greater excommunication.

Obligation to wear the habit, although it does not arise from vow, does not spring merely from Rule. If it did, it would follow as a consequence that, when a religious

Rule does not bind under mortal sin, to lay aside the habit would not be a mortal sin. It is nevertheless accounted as a mortal sin by the tradition and common consent of all religious Orders. The obligation to retain the habit belongs in a manner to *natural law*. The habit is given and is assumed, not as it is a mere garment, but as it is an outward sign of a particular profession. From the fact of a man's entering on an office or state which is of perpetual obligation, there follows an obligation not to lay aside the outward sign which has been instituted and determined by public authority to signify profession of that state. Besides this, moreover, there is a *positive precept* to retain the habit. This precept is not so much founded in any special Rule, as it is supposed by every religious Rule. It is, as it were, a general law of the religious state. It may be called an *unwritten law*, as received by the common consent and tradition of all religious Orders. It may also be said to belong to *canonical common law*, as confirmed by the authority and decrees of Pontiffs and General Councils.

In order that transgression of this law, which prescribes retention of the religious habit, should be a mortal sin, formal contempt of it is not necessary. The virtual contempt is sufficient which is included in a free will to act in opposition to the law.

The obligation of a religious to wear his habit is not so precisely necessary that it is never lawful to lay the habit aside, at least for a time, and for a just cause ; such as preservation of life, or avoidance of grievous dishonour or scandal. When there is a work or a journey which cannot fittingly be undertaken in the habit, the necessity or advantage of laying it aside is to be weighed, and may be determined in accordance with the judgment of the prudent.

The laying aside of the habit may be rendered lawful by dispensation, since the wearing of the habit is not of the *substance* of the religious state. There is not required so great a cause as would in itself suffice to excuse the

change. There would then be not dispensation but merely interpretation of the law. Neither is there needed an extraordinary cause, such as would be necessary for dispensation from the *substantials* of the religious state. The greater the change of habit, or the longer the time for which it is to be made, the greater the cause which is required in order to justify the change.

The Sovereign Pontiff alone can grant dispensation from wearing the habit. It is one thing to give leave in the case of a work which cannot fittingly be done without a change of habit, and it is another thing directly to dispense from wearing the habit. The first a religious Superior has power to do, and does daily. The other, since it is dispensation not from Rule, but from common law, a religious Superior has no power to grant. When a religious subject asks leave of his Superior to lay aside his habit on account of some journey or ministry, the Superior gives a leave which is rather an authoritative interpretation of law, than a dispensation of the law. The doubt with regard to the obligation of the law might in this case have been determined by any prudent person. The subject, however, is acting rightly in having recourse to his Superior. To the Superior it belongs, in virtue of his office, to declare whether or not the law is binding in a doubtful case. By this authority which belongs to him, the Superior supplies practical certainty to his subject.

8

To depart from the monastery with the intention of apostasy, or of escaping from obedience to Superiors, is intrinsically evil in the case of professed religious. It is of its own nature a mortal sin, as directly contrary to the grave obligation which is begotten by religious profession.

It is certain that enclosure, or remaining within the bounds of the monastery, is not so prescribed to religious that for no reason whatever it should ever be lawful for

them to go out beyond the cloister. It is lawful by leave of their Superior, as the Rules of all religious Orders suppose. It is not contrary to common law, and the practice is confirmed by common custom. It is certain also that religious Superiors can, in virtue of their common and ordinary power, grant this leave; unless the special law of some particular Order should restrain the power which would otherwise belong to the Superiors of that order.

Obligation to enclosure does not arise from the simple ordinance of a Rule which binds under penalty, and not under sin, but is an obligation in conscience. It exists in virtue of a proper precept which binds in accordance with the character of its matter; and which, when, as in this case, the matter is grave, binds under mortal sin.

If a religious departs without leave, to live outside his cloister for any length of time, and in, as it were, a settled way—even if he has not the intention never to return, or has not an intention to abandon religion altogether—his flight is, in the view of all religious Orders, a grievous transgression, and it is not free from the guilt of apostasy, if he intends his absence to be a long one. The same is true of any departure from the monastery, which is made secretly, even if the time spent outside should not have been very long. A sign of the grievousness of this transgression is the scandal and dishonour to the religious himself, and to his Order, which such a flight is wont to beget. The Council of Trent declares that it is not lawful for regulars to depart from their convents, even on pretext of going to Superiors, unless they have been either sent, or sent for. The Council orders those who do so to be punished, as transgressors of their Institute.

The root and ground of the grievous character of transgression of enclosure is the right of the Superior to govern and to guard his religious subject. This right is seriously injured by the subject's departure.

A religious ought to be so subject to the authority of his Superior that he may be governed, commanded, and guarded by him. From such subjection he withdraws himself by flight or departure from the monastery against the will or without the knowledge of his Superiors.

To go outside the cloister is, nevertheless, not in itself so grave a sin that it cannot in a particular case be venial, by reason of the smallness of its matter.

Under certain circumstances departure without leave may even be lawful, if it is made for a just cause, and when it would have been lawful if made with leave. It may, especially when it is but for a short time, be sometimes necessary, by reason of charity towards a neighbour, in order to defend him, or to succour the dying, or the like. In such cases, however, *presumed* or *tacit* leave may generally be supposed; and this, as we have seen, suffices in place of actual leave. Leave of the Superior, which has been obtained without fraud or force, always excuses from a mortal sin of violation of enclosure; even if the leave should have been given imprudently and without cause, nay, even if the Superior is forbidden by the Rule to give leave. Departure from the monastery is in this case neither apostasy nor flight. It is not furtive, since it is not made unknown to the Superior, or apart from obedience to him.

The Superior's leave is not a dispensation from common law. It is a *condition* of the precept in question. The law forbids not departure simply, but departure *without leave*. The law does not demand that the leave should be prudently given. The law supposes this, and it does not impose on the religious subject the burden of examination into the prudence of the Superior's leave. The end of the prohibition is rather that the religious should not depart *from his Superior*, than that he should not depart *from a place*. Whenever he departs *by the will* of his Superior, he

does not depart *from his Superior*, even if his Superior ought not to have had the will to let him go.

A Superior, who has himself no Superior in the place where he is living, does not violate enclosure by going out without leave; for either that which he can give to others he can also take for himself, or the law regarding leave refers only to subjects, while he as Superior retains the liberty which he possesses in virtue of his office.

The Carthusians are forbidden by their Statutes to go outside the enclosure without leave of the Prior General, except in the rare cases which are enumerated in their Constitutions. There is a similar prohibition among the Camaldulese. Nearly all Monastic Orders profess a greater enclosure, in virtue of their Rules, than do Mendicant Orders; since Monks, as such, do not profess either mendicancy or ministries which cannot well be accomplished without issuing from the cloister. Among monastic bodies, some observe a more strict enclosure than do others. Even within the same Order, some monasteries are, in virtue of their Constitutions and custom, more strict in this matter than are others.

9

As regards the second part of Enclosure—by exclusion from the monastery of seculars or externs—the Rules and Constitutions of the Orders concerned are to be observed, along with the natural obligation which springs from religious decency, or from necessary care to avoid scandal. The scandal might be either the scandal which seculars should give, or the scandal which seculars might themselves take from the religious, and this often without any fault of theirs.

Superiors are therefore bound, in virtue of their office, even if no special rule enjoins it, to take fitting precautions in view of the circumstances of particular cases, that secular persons should not easily be admitted within the cloister, and especially into its more interior parts.

With due moderation and prudence, however, intercourse with seculars has never been forbidden. St Ambrose says that, if seculars need our aid or ministry, it is more expedient that they should come to us, than that we should go to them.

If a special Constitution of any religious Order prescribes enclosure by prohibiting the entrance of seculars, three things have to be considered—and, first, with regard to the persons to whom the precept has reference. Very frequently it is the entrance of women only that is forbidden. Secondly, with regard to the places to which the prohibition refers. Ordinarily it does not refer to the church, even as regards women. The Carthusians are said to have this prohibition. Hence their churches have their doors *within* the bounds or outer walls of the monastery. In other Orders, while entrance is generally prohibited to women into any part of the cloister, entrance is not prohibited into the church. Thirdly, there has to be considered in particular Orders the nature and mode of the obligation of enclosure. It is not the same in all Orders. The degree of obligation will be declared by the words of the Constitutions, and by the custom of the various Orders.

The obligation with regard to enclosure falls directly on the religious, or on their Superiors, since a Constitution of any religious Order cannot possibly bind secular persons. Certain religious Orders, however, have, by means of Indults of the Sovereign Pontiff, power to impose the prohibition directly on seculars themselves, and that even under censures *ipso facto* to be incurred.

There are two kinds of enclosure—papal and episcopal. *Papal* enclosure is that which is constituted by authority of the Holy See. Apart from express intervention of this authority, there is no *papal* enclosure. *Episcopal* enclosure is that which is established by authority of the Bishop, and is regulated at his discretion. It may be more or less strict. See Ballerini, *Opus Theologicum Morale*, vol. iv. p. 97.

10

Special enclosure is not of *intrinsic* necessity to the religious state in women. In ancient times virgins frequently professed religion in their own paternal homes. The three substantial vows suffice in order to the existence of the religious state. Without any law or vow of enclosure, it is possible to observe chastity and a religious Rule, and a manner of life which is in accordance with the evangelical counsels. Nevertheless, it cannot be doubted that enclosure is most fitting for the religious state in women.

The Church had always most certainly the power so to institute a religious state for women as to prohibit them from any longer professing religion in their own houses, or paternal homes, and to permit them to profess it only in monasteries or convents which have been approved by her. The Church has power also not to admit women to religious profession, unless they at the same time vow or bind themselves not to go outside the monastery in which they have professed stability, without lawful dispensation.

The obligation of Nuns to observe enclosure, by not going outside the bounds of their monastery, includes more than does the obligation of religious men to ordinary enclosure, since it does not contain the condition—"without leave of the Superior"—and is an absolute obligation not to go outside the monastery.

The Council of Trent prescribed to all Bishops that, by their *ordinary* authority, in all monasteries which are subject to them—and by the authority of the Apostolic See in all other monasteries which are not subject to them—they should diligently restore enclosure of Nuns, where that had been violated; and that, where enclosure had not been violated, they should provide for the continued observance of it.

11

It is no less necessary in order to the purity and perfection of the religious state in women that seculars or externs should not enter within their cloisters, than that they themselves should not go outside their cloisters. The sacred canons forbid the one no less than the other.

The Sovereign Pontiff alone can give leave to enter monasteries of women without necessary cause. All other and inferior prelates can, by the law of the Council of Trent, give leave only in necessary cases. They have no power to derogate from either Pontifical or Conciliar law.

That which has been said with regard to the enclosure of Nuns refers only to religious Orders, strictly and properly so called—that is to say, to Orders of religious women who make *solemn* vows, and not to Congregations of religious women who make only *simple* vows. Such Congregations, which are of modern institution, have their Constitutions approved and confirmed by the Apostolic See. Various graces have been granted to them by that See, which holds them in great esteem and favour. It regards them as of signal service for the supply of the needs of the Church at the present day. These Congregations have a mitigated form of enclosure, subject to the Bishop, and according to their Constitutions.

With regard to the law of Enclosure, as it affects missionaries who are members of Religious Orders, there exists the following Decree of the Sacred Congregation *De Propagandâ Fide*, 26 June 1780 :—

Since it is becoming that men who, set free from the world, have by means of religious vows made profession of an Institute of stricter life, should avoid all familiar intercourse with women, it has been laid down by decrees of both General and Provincial Councils, and of the Sovereign Pontiffs, and specially in later days by the Constitutions of St Pius V., Gregory XIII., and Benedict XIV.,—that within the bounds of religious men there should not lie open any way of entrance to any woman whomsoever, and this under the most grievous penalties inflicted both on the men who, under any pretext whatsoever, shall admit women within the boundaries of Houses of Regulars, and on women who shall violate the Enclosure of the said Houses. The Sacred Congregation, adhering to these most wholesome ordinances, has not ceased in the same way to admonish the Prefects of Missions,

whenever it has come to its knowledge that some of them were not in this matter very vigilant. From time to time, however, either through forgetfulness of the law, or because of the proclivity of human ingenuity towards lessening the force of all laws whatsoever, it has not seldom happened, as has been related by the letters of many persons to the same Congregation, that women have been admitted into the stations and hospices of missionaries, and that they have received the sacrament of penance in the rooms, or in other places within the bounds of these hospices. Rightly recognising how unbecoming and how perilous this is, the Sacred Congregation —whose desire it is that its missionaries, who are sojourning among enemies of the Christian name, should abstain not only from evil, but also from every appearance of evil, so that, in accordance with the warning of the Apostle, they should be without offence both to Jews and Gentiles and to the Church of God—has laid down and commanded that the hospices and stations and all Houses whatsoever of every Order, Congregation, or Regular Institute, wheresoever they may exist in missionary countries, in which two or three missionaries of the Latin rite are living together, or might happen to be living together, are subject to the law of enclosure, so that it should be altogether unlawful for any Regular whomsoever to introduce any woman into the private bedrooms, dwelling-rooms, or closets of the said hospices or stations on the ground of any title, or apparent reason, or on any pretext whatsoever—and much more unlawful to administer to her therein the most holy sacrament of penance. Neither is it lawful for women, under cover of any leave whatsoever, to enter the private bedrooms, dwelling-rooms or closets of the said hospices, and this under the penalties inflicted by the aforesaid Sacred Canons, and Constitutions of Pontiffs, on the violators of enclosure.

In order, however, that entrance may be open for women to the Oratories in the interior of these hospices, to the Churches and to places where mass is said, so that they may be present at the most holy sacrifice of the mass, and at other ecclesiastical functions, and may receive the sacrament of penance, the same Sacred Congregation declares and decrees that women can be admitted into churches, chapels and public Oratories in the interior of the aforesaid hospices. To these, however, they must go by the direct way, and not turn aside into either bedrooms or private dwelling-rooms, and they must also return the same way by which they came.

The Sacred Congregation, moreover, commands and prescribes that the confessions of women shall be heard openly in churches and chapels or public Oratories, where these exist; and where they do not exist, in some other open and accessible place, as near as may be to the gate of the hospice, to be designated by the respective Ordinaries, and in default of them, by the local Superiors of the Missions, and that the penitents should be heard with an iron grating or other screen interposed between the mouth of the confessor and that of the woman.

Those who shall do otherwise, and act in defiance of these most wholesome ordinances, will incur the penalties which have been decreed against violators of enclosure, and against those who contemn the foresaid Sacred Canons and Apostolic Constitutions.

This Decree of the Sacred Congregation, when related to Our Most Holy Lord, Pope Pius VI., was benignly confirmed by His Holiness, who added to it the force of His Apostolic authority, and commanded it to be inviolably observed by all, under the foresaid penalties.

CHAPTER IX

RELIGIOUS SUPERIORS

It is impossible that any community of men should subsist without a governor. If this is true of every community, with still more reason is it true of a religious community, in which order of the highest kind is necessary as a means towards progress in perfection. In the religious state obedience is necessary on a special ground, and for a special reason, and consequently a Superior is necessary to whom obedience may be paid. All founders of religious Orders have laid it down in their Institutes that there should be some Superior whom the other religious should perfectly obey. A Superior, on the one hand, and obedience, on the other hand, are correlatives.

Although it is not of absolute necessity that superiority should be restricted to one person,—since superiority might be vested in a council consisting of several persons,—it is nevertheless, morally speaking, necessary that the *exercise* of superiority should be committed to one person. Every particular matter which may occur to be transacted or prescribed could not possibly be regulated or ordained by a common council composed of many persons.

An ordinary and even immediate power might reside in the community only or in a council, even if it should be proximately administered by means of vicars. Such a mode of government, however, would not be suitable for a religious Order. It is imperfect, and would be but ill adapted for any community of such a character. In

all religious Orders, therefore, monarchical government, at least as regards the proximate exercise of government, has been received in practice. Monarchical government is, according to Aristotle and to St Thomas, of all governments the most perfect. Christ Himself taught this when He willed that in His Church there should be perfect monarchy. Nature itself declares it by admitting one only Supreme Prince of the Universe—namely, His Divine Majesty. The religious state, by reason of its perfection, specially demands monarchy. It requires not only one governor, but also one head, who should be one person. In this it is that a monarchy differs from other polities.

2

In the Superiors of religious Orders there may exist a twofold power—a power of jurisdiction, and a dominative power. It is necessary that a religious Superior should possess *dominative power*. It is not so necessary that he should possess *jurisdiction*. The donation and delivery of himself, which is made by a religious to his Order, and his vow of obedience are of necessity to the constitution of the religious state. The existence of dominative power in a Superior is also, as we have seen, necessary in the religious state. These two are correlatives or, as it were, cause and effect. From the *delivery* of himself by the religious to the Order there emerges in the Order *dominative* power. From the Order this dominative power is transferred to and vested in the Superior.

It is not necessary that *jurisdiction* should be conferred on a religious Order, or on a Superior who is a religious of the same Order and profession. Among Nuns there does not exist any spiritual jurisdiction. Nuns as women are incapable of possessing jurisdiction. There exists, however, in every one of their convents an Abbess, or a Prioress, or other Superioress, who

possesses *dominative power* such as is necessary and sufficient for all purposes of religious government.

The ancient monks were not as a rule clerics, and no laymen, however holy they may be, are capable of ecclesiastical jurisdiction. These monks had nevertheless their Superiors who were in possession of sufficient power for religious government. St Benedict himself does not appear to have been a priest, and he was certainly an Abbot—that is, a Father and Superior of monks. The excommunication of which he speaks in his Rule was not that ecclesiastical censure which is an act of ecclesiastical jurisdiction, but an external separation from the society of the brethren, either in choir, or in other occupations and exercises, or in common conversation. This separation was effected simply by an ordinance or prohibition of obedience, and it did not bind either the religious himself or other persons in that way in which an ecclesiastical censure binds those persons on whom it is inflicted.

Although it is not necessary that ecclesiastical jurisdiction should exist in a Superior of the same sex or Order, ecclesiastical jurisdiction over every religious Order must nevertheless exist in some one prelate of the Church. He is, by reason of this jurisdiction, the prelate of that Order. There cannot exist any state in the Church without that state's being subject to the jurisdiction of the prelates and pastors of the Church. Thus Nuns are subject either to religious men of their own Order who have *jurisdiction* over them, if their Order is exempt from the jurisdiction of the Bishop; or to the Bishop, if it is not exempt. In the latter case the Bishop is no less the proper prelate of those Nuns than the Provincial or Prior of the men of their own Order would be, if they were exempt from the jurisdiction of the Bishop. In like manner those ancient monks who were laymen were subject to the jurisdiction of the Bishop, as their own proper prelate.

In exempt Orders, such as nearly all religious Orders of men now are, prelates properly so called—that is to say, who possess spiritual and episcopal or *quasi*-episcopal jurisdiction—are necessary. When an Order is exempted from the jurisdiction of the Bishop, it remains subject *immediately* to the jurisdiction of the Sovereign Pontiff alone. Since, however, the Order could not fittingly be governed by the Pontiff in person, or through his commissaries or delegates—for in every Congregation there ought to exist *ordinary* pastors, on whom the care of it should be incumbent in virtue of their office,—it follows that, if the proximate pastors of that Order are not the Bishops, there must be proper prelates in the Order itself.

The General, the Provincial, and the local or conventual Superior in every Order which has been approved by the Sovereign Pontiff—and which is exempt from the jurisdiction of the local Bishop—are truly and properly *Prelates*, with *ordinary* jurisdiction. This jurisdiction they possess in virtue of their office; and their jurisdiction they can also delegate.

It does not follow from the institution or approbation of a religious Order that it should possess jurisdiction. Religious Orders do not possess jurisdiction in virtue of common law. It is conferred on them by way of special concession.

3

The prelates in a religious Order may be distinguished as—the lowest, the highest, and the intermediate prelates. The lowest prelates in an Order are those who are called *conventual* or *local* prelates. These preside over one monastery only. They exercise in that monastery an immediate prelature in the sense that under them there exists no other prelate. Although they may have, and commonly do have a vicar, who is subordinate to them—who in some Orders is called the Prior in his relation to the Abbot; in other Orders the Superior in his relation

to the Prior; and in other Orders, the Minister in his relation to the Rector or Provost—this vicar is nevertheless not a prelate. A vicar of this kind does not possess any proper and *ordinary* jurisdiction. He either has no *jurisdiction*, but only power of economic administration—or whatever jurisdiction he possesses has been *delegated* to him.

The highest prelate in a religious Order—who within that Order has no Superior, and to whom are subject all other prelates of the same Order—is the General. In some Orders the General is called the Prior-General, and in others the Abbot-General, or the Master-General, the Minister-General, or the Provost-General. He is called the *Supreme Prelate* of his Order, not as if he himself were not subject to any man, but inasmuch as he is supreme in his relation to all other prelates of the same Order. The Sovereign Pontiff alone is absolutely the Supreme Prelate of all religious Orders.

The General of a religious Order possesses a jurisdiction which is in a manner more universal than is the jurisdiction of a local Bishop. Monasteries are subject to him in various dioceses, and even in various provinces and kingdoms. For this reason the General of a religious Order could not well be subordinate to the various Bishops of all these countries. If he were, he would not be able, morally speaking, to govern in a uniform way the various monasteries which are subject to him.

Properly speaking, there can be only one supreme prelate in one religious Order. The very idea of the *supreme* includes the idea of the *single*. In those Orders in which there are several prelates who have the name of General, all of them, save one who is independent, are Generals only in name. They are so called because of the great extent of the district which they govern, or because of the smallness of their subordination to the real General, who is the only General in the strict and true

sense. The Order in which they are Generals is called one, not as being one with that perfect moral oneness which demands union under one head, but as being one merely with the oneness of following the same founder—with profession of the same Rule in principal matters—with similarity of habit, and with greater fraternal communication and charity, such as similarity is wont to beget. Of this we have an example in the Order of St Francis. Within that Order we find the various religious families of the Observantines, the Conventuals, and the Capuchins, each of them with its own General. *

What we have called *intermediate* prelates are those prelates who are subject to a superior prelate within the same Order; but who are, at the same time, *universal* prelates, as having under them many houses, along with the inferior prelates of those houses. Of this kind are the Provincials of the Mendicant Orders, and of other Orders which imitate the Mendicants in their mode of government. In the Monastic Orders intermediate prelates do not exist. The Carthusians have, besides their General, no common prelate of one province or nation, but only the Priors of the various individual convents. These hold at certain times a *quasi*-provincial or national Chapter. This Chapter, so long as it is sitting, may be said to have the authority of a *quasi*-provincial or national prelate. In this Chapter they elect Visitors, but these are not Provincials. They are not *ordinary* prelates, or prelates with *ordinary* jurisdiction in virtue of their office, and such as they can delegate. These Visitors exercise a special commission at certain times and places.

The other Monastic Orders have commonly only one ordinary Prelate over all the Abbots or Priors, and him, for this reason, they call their General. A threefold

* These families were united under the one name of the Order of Friars Minor by Leo XIII. in 1897. For his Apostolic Constitution see *Analecta Ecclesiastica* for 1897, page 375.

order of prelates is, therefore, not absolutely necessary in the religious state, even as that state exists in the Church at the present time.

In the Mendicant Orders, by reason of their wide diffusion and their special manner of it, the threefold *quasi*-hierarchical order of Superiors is always observed. There always exists, between the conventual Superior and the General, an intermediate Superior—the Provincial.

The Sacred Congregation of Bishops and Regulars will not recognise, besides the Superioress General and the local Superioresses in Orders of women, any third or intermediate grade of Provincial Superioresses, after the manner of the Provincials in religious Orders of men. The utmost that it has allowed is that a Superioress-General should have power, until the next Chapter, to depute such sisters as seem to her best fitted, to act in her name in the Houses of certain districts. These may be called Provincial Vicaresses. See Zitelli, *Apparatus Juris Ecclesiastici*, p. 353.

The Provincial is himself under the General, and he has under him various convents along with their Superiors. These constitute one Province. The Province, although it is a part of one religious Order, is nevertheless in itself one body-politic, consisting of all its convents along with the Provincial as the head of them. In religious Orders there do not, as a rule, exist any other intermediate and ordinary prelates, besides the Provincial. If Commissaries or Visitors are sometimes created, they are not ordinary, but *extraordinary* Superiors. They possess a merely *delegated* jurisdiction, which expires on the death of the granter. There is one exception—namely, the Order of St Francis, in which there are other intermediate prelates. These are the Cismontane and Ultramontane Commissaries-General, who, under the General, are Superiors of all the Provincials of their respective religious families. The Commissaries-General are true prelates, with *ordinary* jurisdiction.

Generals, Provincials, and local or conventual Superiors

are equal in some things, and in some things they differ. They are equal in this, that all of them have spiritual *jurisdiction* over their respective subjects, both in the internal *forum* of penance and in the external ecclesiastical or religious *forum.*

Secondly, all of them have *ordinary* and not merely delegated jurisdiction. As regards the forum of penance all of them are *ordinary* pastors on whom, in virtue of their office, is incumbent the care of the souls of their religious subjects. In relation to their subjects superior and universal prelates are *quasi*-Bishops, while the inferior local prelates are *quasi*-parish priests (*parochi.*) As regards the external *forum*, external jurisdiction is necessary in order to the government of a religious body. Although, strictly speaking, *dominative* power might suffice for external government, and especially for the economic government of one house, this power will nevetheless be more efficacious if it has power of jurisdiction combined with it. Supposing exemption of an Order from the jurisdiction of the Bishop, there must exist within that Order efficacious external jurisdiction, since the Order cannot be left without a proper governor under the Sovereign Pontiff.

Since, moreover, the General cannot possibly preside, immediately and in person, over the various provinces, jurisdiction must exist in the various Provincials. For the same reason it is necessary that there should exist in every separate house a proper governor. Possession of jurisdiction by him is morally necessary.

Thirdly, all three—the Generals, the Provincials, and the local or conventual Superiors—have *quasi-episcopal jurisdiction.* Jurisdiction may be called *episcopal* in two senses—first, by reason of the *person* who is invested with jurisdiction, and as jurisdiction is due to the episcopal office, and demands as the subject of it a person who has been consecrated to the episcopate—secondly, by reason of the *actions* to which the jurisdiction extends, and which are, of common and ordinary

right, proper to the jurisdiction of Bishops. There are certain acts of spiritual jurisdiction which of themselves belong to Bishops, and which belong to others only inasmuch as they share in somewhat of the jurisdiction of Bishops. The jurisdiction, therefore, of the religious prelates of a religious Order is called *episcopal*, because it really extends to acts of episcopal jurisdiction over their own subjects. Among such acts are excommunication and suspension, absolution from those censures, and from cases and censures reserved in certain events to the Sovereign Pontiff, dispensation from certain vows, absolution from certain irregularities, and the like.

The episcopal jurisdiction of religious prelates is called *quasi*-episcopal in the first place, because those prelates are not Bishops. Their jurisdiction, moreover, does not suffice for all episcopal acts, nor does it extend to all acts of the jurisdiction, considered even as it is merely jurisdiction, which belongs to Bishops.

Fourthly, the three kinds of religious prelates are all of them equal in this, that they all have *immediate jurisdiction* over all the religious who are subject to each of them respectively.

The three kinds of religious prelates—the General, Provincial, and the local or Conventual Superior—differ one from the other in their jurisdiction in various ways, and especially as regards the extent of their jurisdiction, and as regards dependence or subordination in the exercise of their jurisdiction. In extent of jurisdiction, and as regards persons and territory, the lowest prelate has jurisdiction only over his own monastery and the persons whom it contains. The intermediate prelate, or Provincial, has jurisdiction only over the persons and monasteries of his province. The General has jurisdiction over all persons and places of his Order.

The more universal the jurisdiction of a religious prelate is over persons and places, the greater is the number of acts affecting both which he has power to do.

A Provincial can remove a religious from one house to another. This a Prior cannot do. The General can remove a religious from one province to another. This a Provincial cannot do.

Individual religious are subject to an universal prelate in more respects than they are subject to a particular prelate. They are subject to the universal prelate not only as they are members of a house, but also as they are members of a province, or of the whole Order, to the universal advantage of which they ought to contribute and minister.

The three kinds of religious prelates—Generals, Provincials, and local or Conventual Superiors—differ also in their *dependence*. They differ, in the first place, as regards their *origin*. Inferior prelates derive their origin from superior prelates. The Provincial derives his origin from the General, and a Rector derives his origin from the Provincial.

This does not apply to Rectors of Colleges in the Society of Jesus. These are appointed by the General.

When a General is elected by the Provincials or Abbots, or when a Provincial is elected by the Priors or Guardians, the Provincials or Abbots in the one case, and the Priors or Guardians in the other, do not elect the General or Provincial respectively, as they are Provincials or Abbots, or as they are Priors or Guardians, but as they are *electors*. The two offices of prelates and electors are formally distinct. A superior prelate, therefore, never depends on an inferior formally as on a prelate ; while an inferior prelate does depend, as regards his origin, on his superior prelate.

Besides dependence of origin, there is dependence also in *operation*. While a superior prelate does not depend, as regards his actions, on an inferior prelate, an inferior prelate does in his action depend on the

superior prelate. The superior prelate can restrict the jurisdiction of the inferior prelate, while the inferior prelate has no power to limit the jurisdiction of the superior prelate.

An universal prelate can prescribe *immediately* to all his subjects. He can prohibit them from obeying, in this or in that matter, inferior prelates. He can also prescribe to inferior prelates not to interfere in a particular matter, and they will be bound to obey him. An universal prelate can reserve to himself absolution of certain sins, judgment in certain causes, certain dispensations, and even the subjection of certain persons. An intermediate prelate can do the same, so far as prelates who are subject to himself are concerned.

Such restrictions cannot lawfully be made without just cause, inasmuch as every prelate has a real right to his own *ordinary* jurisdiction. The restrictions are, nevertheless, *valid*, even if made without cause. The will of the Superior prevails, and there is no law to invalidate this exercise of his will.

4

Magistracy or mastership may be created in two ways, either by election, or by the will of a superior prelate. Hereditary succession has no place in transmission of spiritual power. Nomination by a prelate of his successor, although it does not absolutely involve any intrinsic evil, is not practised in the Church. It is not practised in the Church, lest prelature should have the appearance of being a legacy, and also in order to avoid the risk of election through private affection. It is, moreover, forbidden by the Sacred Canons. Nomination of a vicar by a dying prelate, or by an outgoing prelate, to preside in the interim till the election of his successor, is not, properly speaking, succession. It is not open to the same objections, and it is not forbidden by the canons. In the Society of Jesus it is granted to the General to nominate a

Vicar, who immediately after the death of the General will assemble with the Society, and will also preside over it until a new General is elected.

The General, or supreme prelate, in every religious Order is created by means of election, since he has not within the Order any superior by whom he might be appointed. The Sovereign Pontiff might, indeed, reserve the creation of a General to himself, and he might institute and approve an Order with this reservation. The Pontiffs have, however, refrained from so doing, in order to the greater content of the Order, and for the greater benefit of its head. The General will have in his election a public testimony from his future subjects of his sufficiency and worthiness for the office, and he will be received with greater love and confidence by the whole Order. For a similar reason the Sovereign Pontiffs will not nominate their own successors, but leave the election of them to the Church. So also the ancient Abbots, who were supreme within their own Orders, although subject to the Bishop, were elected by the monks, although they might have been nominated by the Bishop or by the Pontiff alone, if the Church had so willed it. In the same way, at the present day, the Abbesses, in those Orders of religious women which are subject to the Bishop, are created by election of the nuns, and are not appointed by the Bishop.

The election of a General must be lawful, since it has force chiefly from the law. He must be of lawful age—that is, at least twenty-five years of age. He must have been professed within the same Order. He must be a priest, or at least he is bound to receive the priesthood, as necessary for cure of souls. He must in any case have already received the tonsure, so as to be a cleric and therefore capable of spiritual jurisdiction.

The election of the General belongs to the Order, which should be assembled by the person who is deputed by and has authority from the Order for this pur-

pose. All those should be called who, in accordance with the Statutes of the Order, have a right of suffrage. Electors must be already professed within the Order. They must be in Sacred Orders, in the case of Clerks Regular, and also in the case of Monks, as Monks exist in the Church at the present day.

In order that the creation of a General should be valid, the due forms of election must be observed. All who have the right of electing must be called. It is not so necessary that they should all be present. They are not compelled to elect, but only have power to elect, if they please. The election should be made in common congregation, in order that it may proceed with better examination, and knowledge of persons, and with greater certainty both as regards the suffrages, and as regards the merits of the person to be elected. Moreover, that which is the act of one corporate body, which has power to constitute for itself a head, should be done by its members in common congregation. This is a *substantial* condition.

Before the election three of the electors must be appointed as scrutineers of the votes. By these three the votes are secretly and singly collected, and reduced to writing. The votes are then to be published immediately, without any moral lapse of time. The names of persons in favour of whom the votes have been given, or how many votes have fallen to this or to that person, is not to be declared. The number of persons who have voted for the same individual is alone to be mentioned. This is a *substantial* solemnity. It is ordained for the greater certainty of the collation of votes which follows, and to preclude all subterfuges and tergiversation.

A majority of votes is required—that is to say, a majority of the votes of the whole Chapter. It does not suffice for one person to have more votes than have all the others, if the number of votes given in his favour should not amount to a majority of the votes of the

whole Chapter. After the collation of the votes, the election is to be made. Although the election might seem to have been already made by the voting, it has, nevertheless, not yet been made. The election is an act of the Chapter, as the Chapter is one whole. This is not held to be made or completed until one person, in name of the whole Chapter, speaks and elects the future prelate. This is of the *substance* of the election, or rather this *is* the substance of the election. The election is not held as made until this is done. No right is conferred if this is omitted. The Council of Trent strictly forbids the names of the electors ever to be published. This, however, since the publication of them would always be subsequent to the election, cannot be of the *substance* of the election, and cannot affect its validity.

All that is required after the election, in order that the person elected should have full right of prelature, is confirmation. Confirmation is necessary by common law, and it belongs to the immediate superior of the prelate-elect. In the case of a General, or supreme prelate, confirmation belongs to the Sovereign Pontiff alone. If any one should exercise prelature without having obtained confirmation, he will be deprived of the right which he has acquired by election.

In many religious Orders, however, in virtue of Privileges and Indults, special confirmation is not necessary. Since, in virtue of those Privileges, the election is made by authority of the Apostolic See, when a religious is publicly declared to have been canonically elected, he is held also as having been confirmed by the same Apostolic authority. To him all the religious then do homage as to their supreme prelate, and he proceeds forthwith to preside over the General Chapter and to exercise his office.

5

All prelates inferior to the General can be created by means of election. Election is not, however, necessary as a means in order to the creation of inferior prelates, as it is necessary for the creation of a General. After the whole Order has been once made subject to one supreme internal head, inferior prelates, both intermediate and lower, can be created by him. He could either immediately appoint both kinds of prelates, or he could appoint intermediate prelates and then, through and by means of them, appoint the lower prelates.

In the Universal Church the election of one Vicar of Christ is necessary. In order, however, to the existence of inferior prelates, such as bishops, archbishops, and patriarchs, election is not strictly necessary. These could be provided by the Vicar of Christ, if he chose to do so by himself alone.

The monarchy of any particular religious Order differs from the monarchy of the Universal Church in this, that in the Universal Church the supreme power of government resides absolutely in its Head, and cannot be limited by anyone under Christ. In a religious Order, on the other hand, the whole power of jurisdiction flows from the Sovereign Pontiff; and although a principal power is communicated to the General, it is, nevertheless, given with limitation to this or to that mode of regulation. When, therefore, the Institute of an Order, which has been approved by the Pontiff, requires *election* of its prelates, this mode of their creation is to be observed.

According to the Constitutions of the Society of Jesus, all inferior prelates are created not by election, or by the suffrages of subjects, but by the will and provision of the General. It was not without a special providence of God, and an inspiration of the Holy Ghost, that St Ignatius left this mode of government to the Society. It is one of the means which are principally necessary for its preservation and progress, and especially for its

peace and tranquillity. Besides the authority of the Founder and his companions, and the continuous consent of the whole Order, we have in confirmation of this the authority of the Sovereign Pontiffs Paul III. and Julius III. Long experience, moreover, has shown that no inconveniences of any moment have hitherto followed from this mode of government; nay, rather, that by reason of it the Society has been governed with great peace, and with observance of the due order of justice and of charity. It is therefore well adapted for the Institute of the Society of Jesus, in accordance with its special mode of life, whatever may be the case as regards other Orders or Congregations, whose customs its practice is in no way intended to condemn.

The reasons for preference of this mode of government are drawn chiefly from consideration of the evils which follow from any other mode of creating prelates, and which are avoided by means of this mode.

There are three ways in which it is possible for inferior prelates to be created. They can be created by election made by the whole community. They can be created, secondly, by some superior prelate along with a definitive council. Thirdly, they can be created by one supreme prelate, with whom alone this power resides, although he ought in exercising his power to avail himself of the prudence and counsel of the ministers.

The first mode is attended with great danger of begetting the spirit of ambition, which is a very pest in a religious Order. The more democratic an election is, the less perfect it is, and the more exposed it is to this vice. In every state in which men live, the prudent, and those who are free from private affections, are in the minority. When the electors are a whole people, or a congregation, or a multitude of men, many of them will be either young, or somewhat less than prudent, or with affections which are not under sufficient control. It will, therefore, be easy to corrupt or to deceive many.

Hence might arise a spirit of ambition in those who had a chance, through corruption or deception, of securing the prelature. Elections, moreover, are often fruitful in divisions and parties. There is also danger of a prelate who is elected being offended with those who have not voted for him. This may have its further result in his conniving and winking at faults in others which ought to be punished; and, what is far more serious, in his promoting to offices and dignities in the Order men who have not merited them, or who are unworthy of them.

By reason of the many disadvantages which have been discovered by experience to attach to this mode of election, and in order to avoid them, many religious Orders have abandoned it, while there are not a few who hold and desire that it should be abandoned. In the Universal Church we find that the elections of Bishops, which were of old made by the people or by the clergy, have been put a stop to; while the election of the Sovereign Pontiff is made by a small number of persons, and those are select persons.

Against the second mode of election—namely, election by a Council of Definitors, there are the same objections. No less prudence and rectitude would be necessary in electing the electors than that which is required in electing the prelate himself.

A supreme prelate is, in making his appointments, more likely to be free from private affections, by reason of the greater responsibility of his office, and his less dependence on others. Secondly, perfect subordination, and the union of the whole body with its head, which is so necessary in order to its welfare, is hereby better preserved.

In order to valid creation of inferior prelates these must be at least twenty-five years of age, and must have been professed in the same Order, although it is not necessary that they should belong to the same house

or province. The corporate unity of the Mendicant and similar Orders is such that distinction of places and provinces is, so far as they are concerned, a very accidental matter. More weight is given to locality in Monastic Orders, although even in regard of this the Monastic Orders are now nearly all reduced to the same standard, so that identity of Order, profession and habit is alone necessary. Variety of habit is reckoned *substantial* when the variety proceeds from diversity of Rule, just as a change of habit is substantial when the change is contrary to the disposition of the Rule. A substantial difference of habit therefore rightly hinders election. An accidental difference of habit, whether in colour or in shape, which is not contrary to the Rule, but is permitted under the same Rule, will not hinder election. During his period of office, however, the prelate should conform at least his outer habit to the habit of his subjects, so that there should not exist any external diversity between head and members.

The Council of Trent supposes, with regard to Nuns, that the Abbess should, as far as possible, be elected from the same monastery. The Council concedes only that, under certain circumstances, she may be elected from another monastery of the same Order. The Council adds two conditions to the election of an Abbess or Prioress, which are not necessary in the case of men. She should be forty years of age, and she should have lived eight years in religion since the date of her profession. These conditions are not, however, declared by the Council to be *substantial*; so that absence of them will not invalidate an election. They amount to simple prohibition, and they are prescribed only when it is possible for them to be observed. When this is not possible, the Council grants that an Abbess may be elected who is thirty years of age, and who has lived in religion five years since her profession.

A third condition which is necessary in a religious

who is to be elected prelate, is that he should be a priest, or at least in Sacred Orders. This condition is as necessary in the case of an inferior prelate as it is necessary in the case of supreme prelates.

6

Religious prelature is not, of the nature of the case, either perpetual, or temporary. Either mode of institution is possible. There does not exist in the Catholic Church any prelature which is, of *divine* law, absolutely perpetual, so that he who is in possession of that prelature could not possibly be deprived of it against his will. The sole exception is the Sovereign Pontificate. There is not, moreover, any precept of common law which defines that religious prelatures should be perpetual. It is equally true that there does not exist any precept of common law which forbids perpetuity of prelature.

By reason of the special laws of the various Religious Orders there exists great variety with regard to the duration of religious prelatures. The appointment of the General is frequently temporary, and he continues in office for a longer or a shorter time. In some Orders the office of General is perpetual, or for life.

As regards the advantages and disadvantages of perpetuity of prelature, and of temporary prelature respectively, it is argued, on the one hand, that temporary prelature is prejudicial to the spiritual welfare and tranquillity of souls, by reason of the disadvantages to which it gives occasion. It is urged that with temporary tenure of office prelates are in a manner rendered dependent on their subjects, and that in consequence the authority of the prelate is lessened, and that temporary superiors fear their subjects rather than rule their subjects, by whom they may be either raised up or cast down. It is further argued that temporary prelature is to many persons a source of ambition, which is a very pest in religion, and

that from ambition springs enervation of discipline, since religious who nourish a desire to be elected may dissemble in order to ingratiate themselves with the voters, and that the consequences are collusions, compacts, hatreds, intestine dissensions, murmurings and the like.

It is also urged that in perpetuity of religious prelature —which has in favour of it the analogy of the universal custom of the Church with regard to Bishops, whose appointment is perpetual, so that translation of Bishops is as a rule discountenanced – there are not only avoided the disadvantages and perils which flow from frequent elections, but there are also secured many advantages which arise from the long continuance of the same person in the same office. Among these advantages are—the greater love which is begotten by long association and a perpetual bond—the greater care which a man has for the interests of the office in which he is to continue—and the greater experience which it enables him to have. All of these advantages are absent in the case of temporary prelates who are liable to removal just as they are beginning to gain experience in their office. They may come to care but little for matters of enduring interest and importance, resting content that there should be peace in their days.

On the other side it is argued that the alteration of the ancient custom is a matter of greater weight than is the previous existence of that custom. The alteration, however, has taken place not here and there, but throughout the Church. This, it is maintained, is a sign that the alteration was introduced because it was found by experience to be advisable. The Apostolic See, it is added, has always shown itself more favourable to religious prelates being temporary, and has changed prelatures from being perpetual into being temporary, while it has never changed prelatures from being temporary into being perpetual. It is asserted also that the disadvantages which are alleged to arise

from temporary prelatures, do not arise so much from the briefness of the prelature as from the mode of election. Further, it is urged that while a religious superior should be a father rather than a lord and master, he is easily led by perpetuity of tenure to forget the paternal spirit, and by degrees to beget the lordly spirit. It is also maintained that since, in order that a religious prelate may prescribe in the way that best becomes him, it is very necessary that he should be habituated at intervals to obey; so that he may have compassion and sympathy with the necessities and even with the frailties of his subjects. It is urged that he should himself from time to time be living dependent on another prelate, and have to suffer from the difficulties of obedience. Finally, it is argued that, if one and the same person is always governing, the other religious will have no opportunity of being trained, and of gaining experience in government, and that therefore the number will be small of those who are found fit for office when occasion arises. It is therefore maintained, that if various persons were successively to govern, a greater number of persons would be recognised as fit for government, who would otherwise remain unknown. "Magistracy shows the man," and by experience and practice men are made perfect. The Order would in this way, it is said, abound with men who are well fitted for superiority and office.

Where elections—especially if made by a Chapter or by a congregation of many persons—can be avoided, it is in itself more fitting, and it is more in accordance with the religious state, that prelatures should not be perpetual. The religious state is not in itself a state of prelature. It is a state of subjection and of humility. It admits of prelature only from necessity. By temporary prelature there is, moreover, presented that equality which is necessary in order to religious charity. When he who to-day is governing may to-morrow be himself

a subject and on a level with the rest, he will not be over-elated now and they will then be edified. If religious government is founded in charity, rather than in any merely human motive, it will be entered upon and exercised with no less care when it is temporary, than it would be if it were perpetual. If it is otherwise, it is so much the more expedient that the government should not be perpetual. In that case the longer it lasted the more it would degenerate. The inexperience of new Superiors will find a remedy in following the example of their predecessors, in listening to the counsels of prudent advisers, and in submitting to the admonitions of superior prelates. Guided in this way, new Superiors will not go far wrong.

Where, on the other hand, prelatures are conferred by means of election, it is, morally speaking, more advisable that those prelatures should be either perpetual, or of long continuance. This is on account of the disadvantages and dangers which from human frailty are apparently so intrinsically connected with elections. It is more difficult to avoid the evils which spring from elections than it is to avoid the evils which are wont to arise from perpetual or from long-continued prelature.

Hence it is that many religious Orders, in which the prelatures are temporary, have either done away with elections, or have confined election to a council composed of a small number of persons, and those grave persons. Those Orders which retain frequent or triennial conventional elections have done so, either because they could not well make any other provision, as in the case of monasteries of Nuns; or because they have not as yet experienced the disadvantages which so commonly beset elections, being in the habit of conducting their own elections with simplicity and religious purity of intention.

When temporary prelatures are conferred by one

Superior, the term of their continuance may be left to his judgment and discretion. It is nevertheless better to have it fixed, as leaving him more free to make a change without offence or suspicion of censure of the outgoing prelate.

Where temporary prelatures are, on the other hand, conferred by election, it is almost necessary that the term of their continuance should be fixed. To leave it indefinite, and at the discretion of anyone, would be virtually to commit to that person a new election.

In many Orders it is ordained, and approved by the Apostolic See, that the same prelate should not be re-elected immediately, but only after the lapse of a certain time.

7

In every government the first and most necessary power is *directive* power. To directive power it belongs not only to give counsels (these may be given apart from any special power), but to give laws or precepts. It is therefore certain and, looking to the universal practice of the Church, it is of faith that the prelate of a true religious Order has power to bind his subjects *in conscience* by means of a law or just precept.

There is a twofold title to or foundation of this power. The first is a vow of obedience, by which a religious is bound to obey. Since this vow does not in itself bind to any particular act, except through the intervention of a command of the Superior, the Superior is therefore rightly said to have power to so prescribe that his subjects should be *bound in conscience* to obey. The second title or foundation of the power of a religious prelate to prescribe to his subjects is the ecclesiastical jurisdiction which has been granted to him. This jurisdiction suffices in order that his subjects should be bound in conscience by his laws or precepts.

A personal precept is, however, one thing, and a statute by way of law is another thing. By *personal*

precept all Superiors who have any power of jurisdiction can, more or less, in accordance with the mode of their jurisdiction, prescribe so as to bind in conscience. It is not every Superior, on the other hand, who can so prescribe *by way of law*. Those Superiors alone can prescribe by way of law who possess *principal* jurisdiction, such as is required in order to make laws. In a religious Order, therefore, it belongs to all the prelates of the Order to direct their subjects by means of precepts which bind in conscience, and this in proportion with their respective powers of jurisdiction. Conventual prelates can exercise jurisdiction over only the religious of their own monasteries—the Provincial over the religious within his province—the General over all the religious within the Order.

Neither inferior prelates nor Provincials have *ordinary* power to make perpetual statutes which should have the character and force of laws. It is true that Provincials have *quasi*-episcopal jurisdiction, but there is a difference between Provincials and Bishops. Bishops derive their jurisdiction immediately from the Sovereign Pontiff, and they are themselves immediately under him. They have jurisdiction, therefore, to make statutes, being as it were Princes of the Church under its Supreme Head. Provincials of religious Orders derive their jurisdiction not immediately from the Pontiff, but either from the General or from the Order, and their jurisdiction is subject to and dependent on the General. Jurisdiction, therefore, is not granted to Provincials to make statutes without reference to the General. To make statutes is a most weighty matter, and one which concerns the whole body of the Order. It consequently requires the action of its organic head.

Not even to the General himself, apart from the General Chapter, is so great a power in the habit of being granted. The General is, as it were, the proper Bishop of the whole Order, constituted immediately

under the Sovereign Pontiff, but nevertheless the General is not absolutely the supreme tribunal of the Order. The General Chapter is superior to him. To the General Chapter, therefore, power to make statutes is, as a rule, reserved.

One religious Order, enlisted under the standard of one General, and at certain times assembled in one General Chapter, forms one body-politic. It ought to observe oneness as far as is possible, and therefore not only the substantials of the Rule, but all the perpetual statutes and laws or constitutions should be the same throughout the whole Order. When a difference is necessary, and especially if this difference is to be perpetual, it ought not to be made without the action or consent of the head, or of the whole body.

This, however, although consonant to reason and to the well-ordered existence of the religious state, is not of common law, or of necessary obligation in all cases. Hence both the Institutes and the Indults of particular Orders are to be consulted, and that is to be observed which is ordained in them, and which has been either expressly or tacitly confirmed by the Apostolic See.

For precepts which are imposed on individual religious or particular persons—unless these should be very grievous, burdensome, or extraordinary—the authority and judgment of the prelate will of itself alone suffice without other counsel. Such precepts are ordinary and easy, and it would be very irksome to have to assemble a council for the sake of every single action or of every individual religious.

In the case of very grievous precepts, even if they affect one person only, religious prelates should not impose them without sufficient counsel, and such counsel at the least as the Order prescribes, and still further counsel if the matter demands it. Prudence itself requires that a weighty matter should not be transacted without mature counsel, since a right judgment depends

on many circumstances and reasons, and sometimes on special laws. When obligation to take counsel arises from positive law, the obligation is equal as regards all concerned. When the obligation arises from natural law, the obligation is not equal but proportioned. One prelate may stand in need of counsel more than does another prelate. With still more reason is counsel to be taken if a precept is to be imposed upon a whole community, and especially if the precept is to continue for any length of time, since it then becomes a momentous matter.

When the government of a religious Order is not purely monarchical, but is partly aristocratic, *counsel* belongs to the substance and validity of a precept. What would otherwise be counsel is then not merely counsel, but is a judgment and definition. The suffrages are in that case not only consultative but definitive; and therefore power to prescribe is vested not in the one person of the prelate, but in a council. The power of a prelate is rarely, however, limited in this way as regards particular or transitory precepts which have reference to a single act.

When the government of a religious Order is purely monarchical, power to prescribe is vested in the prelate alone; although it may depend upon the Constitutions of the Order whether counsel is or is not of the substance of the prelate's precept. Sometimes it is of the substance of his precept *to have taken counsel*; although, after having listened to counsel, whatever the prelate ordains is valid, even if it is contrary to the suffrages of his consultors. If, in this case, counsel should not have been taken, the precept of the prelate will not bind. If, on the other hand, counsel has been taken, his precept will bind, even if it is contrary to the counsel given. When counsel is prescribed only in

order that the act should be *rightly* done, the precept will be *valid* without previous counsel.

Counsel is still more necessary in order to prescribing by means of law or perpetual statutes. Such statutes cannot be made by a prelate apart from his Chapter; nor by the Chapter apart from its prelate. There is a difference, as regards this, between a General Chapter and a General Prelate. A General, in order to make a perpetual statute, requires the concurrence of the Chapter to this extent that, unless a majority should concur, the law cannot be made. A Chapter, on the other hand, although it cannot without the presence and presidence of the prelate, either by himself or through his vicar, make a law, yet the making of the law does not depend on the consent or affirmative suffrage of the prelate. If the majority of the Chapter is in favour of the making of the law, even if the General should be of another opinion, the vote of the Chapter will prevail, and the law will be made. The reason is because the power which is vested in the Chapter is adequate, and WITHIN the Chapter the General is only one of the voters. His suffrage is at most equivalent to two, or is decisive then only when there is an equality of votes.

In this the Chapter of a religious Order, as compared with the General of the Order, differs from a General Council, as compared with the Sovereign Pontiff. It differs also from the Chapter of a Cathedral Church, as compared with the Bishop. In a General Council a law cannot be made, even if the whole Council should be in favour of it, if the Pontiff is against it. The same is true of a Cathedral Chapter, as regards more important laws. These it cannot make without consent of the Bishop. The reason is because the Pontiff is superior to a Council, while the General Chapter of a religious Order is superior to its General Prelate. A Bishop also, in comparison with the Chapter of his

Church, is to be regarded not as giving an individual suffrage with regard to this matter of making a law or a capitular constitution, but as he is a Superior with power to confirm or to invalidate a law.

The General Chapter of a religious Order has power, during a vacancy and before the election of the General, to make perpetual laws. This the Chapter can do, of the nature of the case or by common law, if it is not hindered by any special law of the Order, or by Pontifical Indult. The reason is because the Chapter possesses supreme jurisdiction over the Order, derived immediately from the Sovereign Pontiff. Even if an Order has for the time being no General, it cannot be without a Vicar or President. He, for the time being, has along with the whole Chapter the same power to prescribe or to make statutes which the Chapter, along with a General already elected, would possess.

There is no similarity between this case and that of an acephalous or headless General Council, assembled during a vacancy of the Apostolic See. Such a Council does not possess power which is equal to that of the Sovereign Pontiff, nor to that of a General Council in which Pontifical authority is present. An acephalous Council cannot therefore make universal laws which will be of perpetual obligation. That those laws should have obligation, they must be approved by the Pontiff after his election.

There is a greater similarity between the General Chapter of a religious Order, during a vacancy and before the election of its General, and the Chapter of a Cathedral Church during a vacancy of the episcopal See. A Cathedral Chapter has power during the vacancy to make diocesan laws which will endure and bind even after the election of the Bishop. The reason is because a Cathedral Chapter, during a vacancy of the See, possesses ORDINARY episcopal jurisdiction. The statutes of the Chapter may, however, be revoked by the Bishop after his election. The power of the Chapter

is not more than equal to the power of the Bishop, and a Bishop can revoke the law of his predecessor. A statute made by the General Chapter of a religious Order during a vacancy of the Generalate cannot, on the other hand, be revoked by the General after his election, without consent of the same or of a similar Chapter. The power of the General is not equal to the power of a General Chapter.

A precept must be sufficiently set forth, for otherwise it is not applied so as to bind. If it is a *private* precept, it must be sufficiently *intimated* to the particular person on whom it is imposed. It is not necessary that the Superior should prescribe in person. It is sufficient if he prescribes by means of a messenger who is worthy of credit, or by letter under his hand.

In the case of statutes, solemn promulgation is necessary, as in the case of laws, since statutes are truly laws. Before promulgation, a statute will not bind in conscience even if the existence of it should be privately known.

Laws, if they are to bind in conscience, must apply to *subjects*. Novices are not of the number of those subjects who can be bound in conscience by the precepts of their prelates, either in virtue of the *dominative* power of those prelates, or in virtue of their power of *jurisdiction*. Novices have neither made a vow of obedience, nor have they subjected themselves as properly religious. Since, however, novices are, during their noviceship, under the pastoral care of their religious prelates, they can be bound by them in matters which of themselves fall under episcopal jurisdiction. Novices are bound, for instance, to tell the truth in a case in which they are lawfully interrogated, or to avoid such and such an occasion of sin, or to make restitution. This they can be compelled to do by means of censures. Such and similar matters belong to the ordinary jurisdiction of Bishops, and this jurisdiction cannot be exercised by the Bishop in the case

of novices of exempt religious Orders. Novices fall therefore under the *quasi*-episcopal jurisdiction of their religious prelates.

The Supreme Prelate of a religious Order is himself bound by the statutes of the General Chapter. The Chapter is superior to him. Its statutes bind him not only as regards their *directive* power, but as regards also their *coercive* power, as they are the laws of a Superior. With regard to religious prelates, therefore, the principle has no place that a prince is bound by his own law as regards its *directive* force, but is not bound as regards its *coercive* force. Hence in those Orders in which the Generals are temporary, they are rightly punished at the end of their term of office if they have transgressed the Constitutions. During the period of their Generalate they cannot be punished, except by the Sovereign Pontiff, since they have no Superior within their own Order. Even during their Generalate, if a General Chapter should be assembled, it can take cognisance of and punish their transgressions. If by reason of any special Institute a Chapter does not possess this power, this must be in virtue of a special concession or reservation of the Pontiff. In that case recourse is to be had to him for the correction of such offences.

If a General Chapter were, as it is one whole and a corporate body, to offend against religious observance, it could be punished; but only by the Sovereign Pontiff, for want of any superior within the Order.

8

That in religious prelates there must exist some *coercive* power is manifest, both from the fact of the exercise of coercive power by them in universal practice, and also because *directive* power without some *coercive* power would be feeble and almost useless. Without fear and discipline, no human community, however good, can in this mortal life be kept up to its duty. The

corruptible body bears down the soul, and the flesh lusts against the spirit and often conquers, and so even the just man falls seven times. Coercive power is therefore necessary in order to regularity, and peace, and preservation of the religious state.

We must distinguish between that which is of the nature of the religious state and intrinsic to it, and that which has been extrinsically superadded to it by the provision and at the free will of the Sovereign Pontiff.

As regards that which is *intrinsic* to the religious state, a religious prelate has, in virtue of the religious profession of his subjects and their vow of obedience, power of coercion only in a *paternal* manner, and within the limits of his religious Rule. He possesses not jurisdiction but only *dominative* power, similar to that power which the father of a family possesses within his household. He differs from that father in this, that the father is occupied about external and temporal matters, while the Superior is chiefly concerned with spiritual matters. Neither of them as such possesses proper jurisdiction. Neither of them, therefore, has power to impose either corporal or spiritual punishment of a grievous character. Both of them can administer only such correction as may have place within the sphere of the family.

This is apparent in the case of Nuns. Among Nuns there exists *coercive* power in accordance with the Rule, although the Superioresses have no jurisdiction, of which as women they are incapable, and in their religious discipline they make use of only the lighter punishments. If more grievous punishment is found on occasion to be necessary, recourse must be had to the prelate to whom the community is subject. It was the same in the case of religious Orders of men in the ancient times, when the superiors were not priests, and had no jurisdiction.

In prelates of religious Orders which possess ecclesi-

astical jurisdiction there exists, in virtue thereof, a perfect episcopal or *quasi*-episcopal *coercive* power. This is manifest both in their practice, and from the Privileges of all exempt Orders.

There exists in an ecclesiastical prelate a twofold power of coercion—to wit, a spiritual power and a corporal power. Spiritual coercive power is exercised chiefly by means of infliction of censures, or ecclesiastical irregularities, or disabilities for certain spiritual benefits, rights, ministries, and the like. Corporal coercive power extends to corporal chastisement, public rebukes, confinement, condemnation to menial ministries, and deprivation of the use of certain things which would be otherwise allowed or due to the individual in accordance with the Rule.

Prelates of exempt religious Orders have power to coerce their subjects by any ecclesiastical censures whatsoever, which could otherwise be justly imposed on persons guilty of the same crimes. Since this power resides in bishops, it resides also in exempt religious prelates. As these prelates have power to excommunicate, they have power also to inflict other censures.

Abbesses, or other Superioresses, have power to inflict on the Nuns, their subjects, such punishments as separation from the common table, or from the choir, or from the society of their religious Sisters, and the like, if such punishments are otherwise conformable to their Rule or custom, and if they do not exceed the ordinary mode of religious discipline. Such punishments are not properly spiritual punishments, but are rather corporal punishments, being by way of exile or separation.

The coercive power of Superioresses may extend even to something spiritual, as when a Nun is commanded not to communicate on a certain day, or not to give herself to prayer, but to occupy herself in some laborious work by way of punishment. Such punishments, if sometimes permitted, are not imposed by any

exercise of jurisdiction, but only through exercise of *dominative* power. They are inflicted, not as properly spiritual privations, but as conveying rebuke, or as causing shame. Looking, therefore, to ordinary and common law, Superioresses cannot impose spiritual punishments, inasmuch as they do not possess the necessary jurisdiction.

Leo XIII. on December 17, 1890, issued a Decree, *Quemadmodum*, through the Sacred Congregation of Bishops and Regulars, by which His Holiness invalidates, abrogates and declares to have no force in future all dispositions whatsoever of any Constitutions, Pious Societies, or Institutes of women, whether under simple or under solemn vows, and also those of men who are merely laymen, even if these Constitutions have received the approbation of the Apostolic See, and that even in the most special form, as far as regards intimate manifestation of heart and conscience in any manner, and under whatsoever name. He, therefore, strictly enjoins the Superiors and Superioresses of such Institutes, Congregations, and Societies entirely to delete and wholly to expunge such dispositions from their Constitutions, Directories, and Manuals. He invalidates also and obliterates all practices whatsoever in this matter, and even immemorial customs. 2. He strictly forbids both Superiors and Superioresses, of whatever grade or pre-eminence, to attempt directly or indirectly, by precept, counsel, fear, threats, or blandishments, to induce persons subject to them to make manifestation of conscience. He also orders subjects to denounce lesser Superiors to their higher Superiors, if they dare to induce them to manifestation. In the case of a General Superior or Superioress, the denunciation of them is to be made to the Sacred Congregation of Bishops and Regulars. 3. This, however, in no way hinders subjects from freely opening their minds to their Superiors for the purpose of getting from their prudence counsel and direction in their doubts and anxieties, in order to acquirement of virtue and progress in perfection. 4. His Holiness warns Superiors not to refuse to their subjects an extraordinary confessor, as often as they are driven to ask this for the settling of their consciences; and Superiors are not to inquire into their reasons for the request, or to show that they take it ill. Further, lest this provision should be made in vain, His Holiness exhorts the Ordinaries that, in those places of their dioceses in which communities of women exist, they should designate suitable priests, and furnish them with faculties, so that recourse may easily be had to them for the sacrament of penance. 5. As concerns permission or prohibition with regard to Holy Communion, His Holiness decrees that it belongs only to the ordinary or extraordinary confessor, without the Superiors having any right to interfere in the matter, except in a case where a subject has, since his or her last sacramental confession, given scandal to the

community, or committed some grave external transgression, and until the delinquent can again approach the sacrament of penance. 6. All are admonished to take care diligently to prepare themselves for Holy Communion, and to approach on the days appointed by their Rule. As often as the confessor may judge it expedient that any one, for his spiritual profit, should go more frequently, this may be permitted by him. Those, however, who have got leave from the confessor for daily, or for very frequent Communion, are bound to inform the Superior of this. If Superiors think that they have weighty reasons against an individual religious going so very frequently to Communion, they are bound to manifest those reasons to the confessor, and in his judgment they are entirely to acquiesce. 7. His Holiness further commands all and every General, Provincial, and Local Superior of such Institutes, whether of men or women, studiously and accurately to observe the dispositions of this Decree, under the penalties *ipso facto* to be incurred by Superiors who violate the commands of the Apostolic See. 8. Finally, His Holiness commands that copies of this Decree, translated into the vernacular, should be inserted in the Constitutions of these Pious Institutes, and that they should be read aloud and intelligibly, at least once a year, and that at a stated time in every House, either at public table, or in a Chapter specially convened for this purpose. All this his Holiness has constituted and decreed, notwithstanding all things to the contrary whatsoever, and even such as are worthy of special and individual mention.

By this Decree power is given to the confessor to permit a Nun, or a religious in an Order of religious laymen, to go to Communion more frequently than the rules of the Order prescribe.

A Declaration of this Decree, given by the Sacred Congregation of Bishops and Regulars on August 17, 1891, says that those Constitutions are to be held as abrogated, by which it is forbidden to such religious, or to Nuns, to receive the Sacred Eucharist except on certain and stated days.

It is true that Abbesses have sometimes, in virtue of special Privileges, had power to confer benefices, and right to institute to them, and consequently to suspend from possession or enjoyment of them. Abbesses have even had power to suspend from the exercise of Orders, in the sense at least of prescribing to clerics that they should not say Mass. This subjection to Abbesses was not, however, in virtue of any proper spiritual jurisdiction, but by reason of a jurisdiction which, while substantially temporal, was at the same time connected with ecclesi-

astical goods and persons, and so might be called ecclesiastical, and to this extent spiritual. In this way Abbesses have sometimes had the entire administration and government of all the goods of a monastery, and these goods are ecclesiastical goods. Among them were often included towns and castles. Temporal jurisdictions over these belonged to the monastery, and the exercise of it was committed to the Abbess. This temporal jurisdiction extended sometimes even to the persons of clerics, so far as regards prescribing to them and chastising them. At most, however, there was entrusted to Abbesses an act which was a *condition*. Given a fulfilment of this condition, a spiritual act was done by the ecclesiastical prelate to whose power the doing of it belonged. When leave is granted to a penitent to choose a confessor, this leave does not give the penitent power to bestow jurisdiction on the confessor. The leave gives him power only to designate the person to whom jurisdiction is to be given. When, in like manner, an Abbess is said to have power to confer a benefice, or the right to institute to a benefice, or the like, this is to be understood of her right of presentation, or of designation of the cleric on whom the benefice or ecclesiastical jurisdiction is to be bestowed. To bestow jurisdiction, or to bestow a benefice, so far as the spiritual right which a benefice includes is concerned, is an act of the Keys, the power of which is not, according to the ordinary and perpetual law of the Church, communicated to women. Deprivation of a benefice, by way of punishment, is also, when entrusted to an Abbess, not properly an act of spiritual jurisdiction. It is an act on her part which is a *condition*. Given fulfilment of this condition, the Pontiff deprives the priest of his spiritual jurisdiction.

Although it does not exceed the power of the Pontiff to grant power of excommunication to Abbesses—not directly indeed, and so far as the effecting of a spiritual bond is concerned, but by her designating a person whom the Pontiff straightway binds—this power is not

as a rule granted to Abbesses. Power to excommunicate by means of their officials has sometimes been granted to Abbesses. In such cases the officials received their power of excommunicating not from the Abbess but from the Sovereign Pontiff, although that power was to be exercised at the mandate or by designation of the Abbess.

The Pontiff can, in the plenitude of his power, delegate even to women *some* spiritual jurisdiction, so long as it does not include power of Order, such as the power of making a law, imposing a censure, dispensing from vows, etc. The reason is because such spiritual right can, by the plenitude of papal power, be communicated to laymen, and so there is nothing to hinder their being granted, at least in an extraordinary case, to women. See Ballerini, *Opus Theologicum Morale*, vol. iv. p. 385.

9

To appeal from the sentence of a religious prelate who has inflicted a grievous punishment, in a case in which it would be lawful for a secular cleric or for a layman to appeal from the sentence of a lawful judge —in the belief that the sentence was either unjust or was over-severe, and in hope of its being justly mitigated by a superior tribunal—is as a rule forbidden to religious subjects. It is an axiom that "amongst good religious the word *appeal* is not to be heard."

It is one thing, however, to *appeal*, and it is quite another thing to *have simple recourse* to a superior. To *appeal* is to have recourse to a superior prelate in such a way as to suspend the jurisdiction of the inferior prelate, both as regards its force of obligation through the precept or sentence which is appealed against, and as regards his power of proceeding with the cause which is being tried.

By *simple recourse* neither effect is produced. Simple recourse to a higher prelate is nowhere denied to a religious subject. To deny it would be against all reason, since no injury is done to the proximate prelate, who in the meantime is obeyed. A religious subject is in this, moreover, simply using his right. While the

General of a religious Order has universal jurisdiction over the whole Order, he has at the same time *immediate* jurisdiction over his subjects individually. It is, therefore, lawful for them and for any one of them to have recourse to him. It is lawful not only when the punishment imposed appears to be excessive, but even when, although the punishment was just and was in accordance with the Rule, the case is such that a higher prelate might justly grant some grace and favour, or *quasi*-dispensation.

Simple recourse may lawfully be made, not only to the higher prelates within a religious Order, but also to the Sovereign Pontiff. It is not lawful for religious subjects to have even *simple recourse* to externs. Externs are not their religious superiors, and externs have no jurisdiction. Intercession of externs is a source of great disturbance in religious Orders. It brings a certain moral violence to bear upon superiors. If those intercessions are not condescended to, enmities are begotten, or friendships are lessened. If on account of those intercessions there is shown a too great indulgence, religious discipline is enervated, and that with no small damage to religion. Hence upright superiors are not only not biassed in favour of discontented subjects through intercession of externs, but they are rather inclined to resent intercessions, and to show themselves harder and more difficult to the religious in favour of whom the intercessions have been made.

Sometimes, nevertheless, *appeal* itself—as appeal is distinguished from simple recourse—is really necessary, as the only means to counteract a grievous injury. It is not sufficient to justify appeal that the justice of the sentence should be *doubtful*. The injustice of the sentence must be clear. The punishment which is appealed against must, moreover, be a grievous punishment. Ordinary corrections, which do not entail any dishonour, or cause extreme suffering, are not matters

of appeal. These corrections ought to be borne with a humble and a devout spirit by those for whose welfare they are enjoined. If appeals were allowed, with regard to ordinary corrections, from Conventual Superiors to the Provincial, or from the Provincial to the General, it would breed no slight disturbance, and religious discipline would be speedily at an end. The reverential fear which is due to lesser superiors would ere long vanish. It would be impossible for higher superiors to give themselves up to the settling of all the causes and appeals which might be brought before them by individual religious. When there really exists a reasonable cause which would be sufficient as a ground for appeal, if that cause is represented to the same superior, and he is humbly petitioned to remit or to modify his sentence, this will, morally speaking, afford a sufficient remedy. Religious superiors may be presumed to be, as a rule, guided by right reason, and to proceed in accordance with the obligations of their state.

Even if some dishonour should follow from an ordinary but an unjust correction, this dishonour will be not only counterbalanced, but will be entirely undone by humble obedience, and by patient endurance. Any such pain can be easily borne by those who have already made profession of perfection. They can and they ought to reckon it among the other penances and austerities which they voluntarily undertake, and which superiors may sometimes prescribe to them solely for the sake of their spiritual exercise.

In exempt Orders an appeal to the Bishop is, in virtue of their exemption from his jurisdiction, prohibited. An appeal to the Sovereign Pontiff is not prohibited. An appeal to him is, by divine and common law, open to all Christians. It has, nevertheless, been rightly granted to certain Orders, and especially to the Mendicant Orders, that even this appeal to the Sovereign Pontiff should not be admitted. This is in

no way inconsistent with the supreme authority of the Pontiff. It is from the Pontiff himself that the prohibition springs.

For a religious subject to go in person to a higher superior, against the will or without the knowledge of his proximate superior, is forbidden by the Council of Trent. The Council ordains that if such a religious should be found wandering about without a written mandate, he is to be punished by the Ordinary of the place as a deserter of his Institute. This prohibition includes even appeals to the Sovereign Pontiff. The Pontiff's desire is that, even when he is approached as Supreme Pastor, due order should be observed, and that the common good of religion should be safeguarded. A superior is bound to grant this leave to a subject who asks for it with reasonable cause. If the superior refuses, the subject can complain to the Sovereign Pontiff.

It is greatly for the welfare of an Order that its private affairs should be arranged within the religious household, as between fathers and brethren, and that they should be shrouded in deepest domestic silence. The interests of individual religious are sufficiently provided for by the existence of a number of religious superiors — from the Conventual Superior up to the General. These are better able to ascertain the truth of a cause which has arisen within their own Order, than are any judges from outside that Order likely to be.

The special Privileges by which the Apostolic See grants that appeals should not be made even to itself, are to be understood as referring to *verbal* appeals in person, or appeals properly so-called.

10

Power to *dispense* must necessarily exist in prelates of exempt religious Orders. Without power to dispense, the government of those Orders would be morally impossible. In Orders which are not exempt from the jurisdiction of the Bishop, it is not so necessary

that dispensing power should exist in the superiors of the Order; and they do not possess this power of *ordinary* right. They have dispensing power only in so far as the Bishop to whom they are subject has entrusted it to them—or in so far as it has been communicated to them by special Pontifical Privileges—or in so far as it has been acquired by them through prescription and lawful custom.

Prelates of exempt Orders have, on the other hand, power to dispense their subjects of *ordinary right*, and not by delegation. In virtue of their exemption from episcopal jurisdiction, they themselves possess *quasi*-episcopal jurisdiction. Exempt religious have no other bishop than their own prelates, except the Sovereign Pontiff. The power of prelates of exempt religious Orders, if it has not been limited by the Pontiff, is equal to the episcopal power to which it succeeds. There exists in those prelates all the power to dispense their subjects which exists in bishops, *as such*, to dispense their subjects of *ordinary* right. In virtue of Pontifical Privileges, moreover, granted to religious Orders, and especially to the Mendicant Orders, the prelates of those Orders have a much more ample power to dispense their subjects than bishops have for dispensing their own subjects, whether clergy or laity.

Power of dispensation, as possessed in virtue of common law, belongs to all religious prelates. It belongs to every one of those prelates within his own sphere, unless it has previously been limited by some special law of his Order. This power may be granted by common law in two ways,—either by special concession or declaration of the power itself—or by a general concession of *quasi*-episcopal jurisdiction.

In the times when Abbots were subject to the Bishops, Abbots could do nothing except that which their state of its nature and intrinsically demanded, or that which had been expressly granted to them by law. The power of Abbots extended only to the securing of

regular observance. This was included and rooted in their *dominative* power, and they possessed no other power. Even this power could be limited by the Bishops, through their reserving to themselves certain dispensations even in the matter of religious observance. The Bishops were then invested with greater power, not only by reason of their jurisdiction, but by reason also of the vow of obedience which was made to them by the religious, as to their own proper prelates.

In this sense it is possible that there should exist at the present day in Abbesses, Prioresses, and other Superioresses, a dispensing power, in accordance with the terms of their Institutes, and with the permissions of their prelates. In the same sense a dispensing power may exist in those Orders of men which are subject to the Bishop, and the Superiors of which, being laymen, are not in possession of any jurisdiction. Whatever in the matter of religious observance is dispensable, in accordance with the nature and terms of their Institute, their Profession and their Rule, can be dispensed by those Superiors, unless this dispensation has previously been prohibited by the Bishop.

An exercise of this power is, however, an act of invalidation, or an act of simple faculty, rather than an act of dispensation. The obligation is taken away only either by removing the *matter* of the obligation, so that the obligation itself ceases or by the supplying of a *condition*, given which, the obligation of the precept ceases. In the case of vows, for instance, the Superiors of such Orders have power to invalidate certain vows of their subjects, while they have no power to *dispense* them, vows being of divine and natural obligation. So far as the Rule, however, is concerned —since a religious Rule has the character of a law, from the obligation of which, whether coercive or directive, the Superior has power, in virtue of his office, to exempt a subject, apart from any condition or change of matter, by immediately

removing the obligation—this power has the character of dispensation.

This power of dispensation is intrinsic to the religious state. The power exists in its entirety in every religious prelate, whether universal or local, unless a higher prelate shall have specially reserved some part of the power to himself, as it is competent for him to do. The power is confirmed and increased by means of ecclesiastical jurisdiction, when that is superadded. There is thereby bestowed another and a fresh power of dispensation.

II

The prelates of religious Orders have *ordinary* jurisdiction to absolve their subjects from their sins. These prelates are the ordinary *pastors* of the souls of their subjects. To these prelates is transferred that cure of souls which Bishops and Parish priests (*parochi*) exercise with regard to their secular subjects.

This jurisdiction exists, with reference to the same subjects, in the various religious prelates who are subordinate to other prelates. Conventual prelates possess this jurisdiction with regard to the religious of their convents. The Provincial has the same jurisdiction, and that equally *immediate*, with regard to those same religious. The Provincial can absolve them, if he pleases, independently of the will, and even against the will, of the conventual prelate. In the same way the General has *immediate* jurisdiction over all the subjects of the whole Order.

Conventual prelates are likened to Parish priests (*parochi*) as they are the *ordinary proximate* pastors of their subjects. Provincials are likened to Bishops. Generals are not quite in the same way likened to the Sovereign Pontiff. The Pontiff himself is absolutely the supreme *ordinary* pastor of the religious, while Generals are themselves subject to the Pontiff.

Generals are therefore commonly likened to Archbishops or to Patriarchs. Generals differ, however, from Archbishops in this—an Archbishop does not possess *ordinary* jurisdiction in this *forum* within the dioceses of his suffragans, unless during his visitation of them; while a General is always the *ordinary* pastor of all his subjects, with *ordinary* jurisdiction, and with *immediate* exercise of that jurisdiction over all and every one of them. Were it otherwise, the General's prelature would be forensic and external, rather than spiritual and paternal, and such as the religious state demands in every degree and order of its prelature.

Every religious prelate has power to delegate his jurisdiction to others, in favour of his subjects; that jurisdiction being *ordinary*. Although a Superior should be prepared to hear the confessions of all his subjects, if they themselves wish to confess to him, he ought not ordinarily to compel them to do so. It is therefore, morally speaking, necessary that the Superior should delegate his jurisdiction to those persons to whom the religious can confess with freedom.

Sins, in the case of religious, may be reserved in two ways,—either by the Sovereign Pontiff—or by the Order. The prelates of a religious Order can reserve to themselves the absolution of certain sins in the same way as a Bishop can reserve certain sins of his own subjects. Reservation is an act of *jurisdiction*. It does not in itself depend on episcopal *character*, any more than does absolution. Exempt religious, moreover, are not bound by the reservations of the Bishops. It is but just, therefore, that they should be subject to the reservations of their own prelates.

An exempt religious cannot confess to the local Bishop without leave of his prelate. The Bishop has no power to absolve him, however much the religious may have

the will to subject himself to him. Exemption does not exist in favour of individual religious as they are private persons, but in favour of the whole Order and of the prelates of the Order. No religious, therefore, can renounce his right of exemption, nor can he constitute to himself a judge who is not his own proper prelate.

12

Besides his power with regard to *persons*, a prelate of a religious Order must also possess power with regard to the temporal *goods* which belong to his Order. An Order cannot exist entirely destitute of temporal goods, along with ownership, possession and use of them, or at least simple retention and *actual* use of them.

Power of administration of temporal goods does not belong to jurisdiction. It is a *dominative* power, comprehending under it a *ministerial* power; and it is derived from the owner of the goods. In the case of a religious community, the *owner* of its goods is the community itself.

Acts of administration may be reduced to three heads —accepting—preserving—and alienating. *Accepting* comprehends every acquisition of goods to the Order. *Preserving* comprehends every act which belongs to government, improvement, increase, and guardianship of goods. *Alienating* comprehends all consumption, distribution, alienation, and every actual use of goods.

A religious prelate has power to *accept* whatever is offered to his monastery. Whatever is given to him he acquires not for himself but for his monastery. With the Superior's leave his subjects can acquire for the monastery, although they cannot acquire for themselves. Without the Superior's leave they cannot acquire either for themselves or for the monastery.

As regards the *preserving* of goods, a religious prelate possesses the whole of the power which is necessary for due preservation and management of the goods of the monastery, and the whole of that power which he would have had if the goods had been his own. This is necessary for well-ordered rule. Otherwise the common goods would by and by and easily perish. This is, moreover, the intention of the owner of the goods—to wit, the convent. From the convent the power of its prelate emanates. Hence, according to the measure of a prelate's power is the measure of his obligation to administer goods faithfully, so that they may be preserved for the better service of God, and for the greater advantage of the monastery.

Since it is impossible for a Superior by himself and immediately to overtake the whole of this charge, he has power also to create officials and ministers, by means of whom he can fulfil his charge. On these his delegates there will lie the same obligation of faithful administration. To all the religious there extends a *negative* obligation—namely, not to squander and not to misuse the common goods. This obligation may pertain also to poverty, and it may pertain sometimes even to justice.

Power of *alienating* extends, in the first place, to expenditure of money for all things which are either necessary or fitting for the divine worship; due regard being had to the means of the monastery, and to the manner of life and the Institute of the Order. Power of alienating extends also to all things fitting for the support of the religious in accordance with their state.

The Superior has no power to make *gratuitous* donations from the goods or funds of the monastery, simply of *liberality*. He is not the owner, and he ought to be the prudent and faithful dispenser of those goods. In making purely gratuitous donations he will be acting

contrary to his office, sinning against justice, abusing his power, and breaking his vow of poverty. He has power, however, to give alms, as an act of mercy. This the monastery can and ought to do, if it is able. He has power also to make a gratuitous donation on the ground of gratitude, or by way of remuneration which, although not due by an obligation of justice, is, nevertheless, a moral debt. It is a debt, moreover, payment of which is specially becoming in the religious state. Remuneration may also redound to the advantage of the monastery. Hence the Superior has power not only to remunerate services or benefits already received, but also to anticipate future services or benefits by acts of present benevolence. By consideration of both the end of a contemplated gift and the means of the monastery, due measure in the bestowal of gifts will be arrived at, in accordance with the rules of prudence.

Alienation of goods by way of barter or sale falls within the power of the Superior, subject to the same rules and restrictions. The Superior has no power to dispose of real property, so as entirely to deprive the monastery of the ownership of it, without an equivalent or a greater compensation. He has power to lease real property, or to enter into similar contracts, by means of which the use or usufruct is, either for a certain time or in perpetuity, alienated under burden of some rent or revenue.

By canon law there is required a special observance of solemnity, without which a Superior cannot, and with which he can, alienate real property or precious movable goods. There must be a sufficient cause for the alienation. It must be preceded by a conference of the Convent or Chapter with regard to the necessity or the advantage of it. There must be the consent of the Chapter, as that consent is an act of will following on the act of judgment of the conference, that the alienation should be made. A majority of the Chapter

will be sufficient for this, along with the Superior. Apart from the Superior the consent of the whole Chapter will not suffice. In this way the Superior is not deprived of his power. His power is only limited, so that he cannot exercise it without consent of the Chapter.

Every religious prelate can and ought to administer the goods of his monastery or of his Order in accordance with the Indults and Privileges which have been granted to it by the Apostolic See, and in accordance with its Rule and Constitutions, which have been approved by the same See. Apostolic Indults give power to derogate even from common law. The Constitutions of an Order form a law which its prelate is bound to observe.

CHAPTER X

MINISTRIES ENTRUSTED TO RELIGIOUS

The ministry of preaching the Word of God is common to all the Mendicant Orders. This ministry belongs in a special manner to the Order of St Dominic, which has, therefore, its distinctive name of —The Order of Preachers. To the Society of Jesus this ministry belongs in virtue of its Institute.

Faculty from some prelate of the Church is necessary for religious men, in order that they may lawfully exercise the function of preaching. St Paul wrote to the Romans—"How can men preach, unless they are *sent*?" To send men belongs to the pastors of the Church, whose office it is to feed the flock of Christ. Justice demands that no man should without their authority usurp their office and jurisdiction. Mission is, moreover, absolutely necessary for the preservation of due order in the Church, and for the avoidance of divisions, and of sowing the seeds of error. Hence, all men are excommunicated who without authority, either from the Apostolic See, or from the local Bishop, presume to usurp the office of preaching either publicly or in private.

It is certain that faculty to preach which has been bestowed by the Apostolic See is abundantly sufficient, since the Sovereign Pontiff is the supreme and universal Pastor of the whole flock of Christ, and he is independent of all lesser superiors.

The Society of Jesus holds its faculty for preaching

from the Apostolic See, by the Bull of Paul III., A.D. 1554, which declares—"We have taken the Society under Our protection, and that of the Apostolic See, and to every one of you who is found fit, and has been deputed by the Superior of your Society for the time being, We by these presents grant free faculty by Apostolic authority, and at Our good pleasure, and that of the Apostolic See, to preach, set forth, and interpret to both clergy and people the Word of God everywhere, and in all churches whatsoever, and in common or public places and streets, and to teach them the way of truth, and of a good and holy life, so that through you, both by word and by example, they may be edified, and to exhort and admonish them in the Lord."

Although this Privilege is given absolutely and without restriction, it is nevertheless to be understood as limited by dependence on the consent of the Bishops, and by absence of objection on the part of parish priests (*parochi*), to both of whom it belongs, *in virtue of their office*, to preach and to teach the people. Although of the plenitude of his power, the Sovereign Pontiff could give faculty to preach everywhere without leave of the Bishops, or even against their will, and against the will of the parish priests, yet when this is not expressly declared, the grant of faculty to preach is to be understood with reservation of the rights of these Ordinaries.

The Council of Trent declares with regard to all regulars in general that, even if they have been approved by their own prelates, they are bound, before they begin to preach even in churches of their own Order, to present themselves to the Bishop, and to ask his blessing. In churches which do not belong to their own Order, they are bound to have, besides the leave of their Superior, the leave also of the Bishop. It is ordained also that no one is to presume to preach

even in churches of his own Order, if the BISHOP SHOULD OBJECT.

It has been argued that this Privilege of Paul III. confers nothing, since if a Bishop gives leave to a religious of the Society of Jesus to preach in his diocese, there is no need of the Pontiff's faculty, because the Bishop's faculty suffices; while, on the other hand, if the Bishop refuses leave, the Pontifical faculty is useless. There is, however, this difference created by the Pontiff's faculty that, apart from that Privilege, the Bishop might, solely by an act of his own will refuse leave to the religious to preach—the leave being in that case simply a grace and favour on his part—whereas, in face of Pontifical Privilege, a Bishop cannot JUSTLY refuse leave, if the religious is fit to preach, because this would be contrary to the Pontiff's will and intention. Faculty for the religious to preach emanates from the Sovereign Pontiff, and therefore an inferior of the Pontiff cannot *without just cause* hinder it. It is of the *benignity* of the Pontiff that the consent of the Bishop is required *as a necessary condition*.

2

The administration of any sacrament cannot be lawfully undertaken by religious without either Privilege from the Apostolic See, or faculty from the local Bishop. Faculty for hearing confessions emanates to the Society of Jesus immediately from the Apostolic See itself, although with that manner of subordination to the Bishops which right reason and the sacred canons demand. It is certain that, since the date of the Council of Trent, it is not sufficient that a confessor should possess every qualification which is required by divine or natural law for the exercise of this ministry, unless he has also the special APPROBATION of the Church, as decreed by that Council. The Council lays down two ways in which a priest may be "approved" or *declared fit* for reception of jurisdic-

tion in order to the hearing of confessions. Either of those two ways will suffice, but one or other of them is necessary, and no other kind of approbation will suffice. The one is appointment to a parochial benefice. The other is approbation by a Bishop. The first was not introduced, but was simply retained by the Council. Inasmuch as there is committed to a parish priest the cure of souls, his fitness to hear confessions is sufficiently declared by the very fact of his appointment to his benefice. The second mode of ecclesiastical approbation of confessors was introduced by the Council. All priests who are not in possession of a parochial benefice, of whatsoever state, order, or dignity they may be, require approbation by the Bishop, in order to hear the confessions of seculars, even if those seculars are priests.

A Bishop may approve a priest as *fit to hear* confessions, while at the same time he does not delegate *jurisdiction* to him. A grant of jurisdiction is a *grace* or *favour*, which a Bishop bestows of his *liberality*, and which he is therefore free to refuse. Approbation is a *just judgment* by which is declared the *fitness* of a person to hear confessions, and this the Bishop gives as an *act of justice*.

Approbation and jurisdiction differ widely one from the other, and stand far apart. Approbation authoritatively declares a priest to be fit, and thereby makes a priest *fit in law* for receiving jurisdiction. By jurisdiction the priest is constituted a judge in the sacramental tribunal. The necessity of approbation was introduced by the Council of Trent. The necessity of *jurisdiction* is of *divine* law.

Although both approbation and jurisdiction are very often given by the same superior—as in the case of secular priests; yet approbation may be derived from one superior, and jurisdiction from another superior—as in the case of regulars. Regulars derive their jurisdiction from the Sovereign Pontiff, while they have their approbation from the Ordinaries in whose dioceses they are to hear confessions. Approbation for hearing Nuns is given by the Ordinary, or local Bishop. Jurisdiction for the hearing of Nuns, if they are *exempt*, is given by the prelates of their own Order. See Ballerini, *Opus Theologicum Morale*, vol. v. p. 271.

A Bishop who is not yet in possession of jurisdiction cannot give "approbation," since the giving of approbation is an act of jurisdiction. Hence a Bishop who is consecrated, but who is not in actual possession of a Bishopric, cannot give approbation, because he has no jurisdiction. A Bishop, on the other hand, who has been elected and confirmed, although he is not yet consecrated, can give approbation. He is already a true Bishop, and he can exercise acts of jurisdiction. The Bishop's Vicar is reckoned as one with the Bishop, and exercises the Bishop's jurisdiction. A Cathedral Chapter has power to give approbation through the Vicar-capitular during a vacancy of the See.

By ordinary law it is necessary, in order to hear confessions, to have *obtained* approbation. It is not sufficient to have applied for it, even if it is unjustly that it has been refused. If a Bishop were unjustly to give approbation, and to sin in so doing, the sacrament would, nevertheless, be valid, so far as approbation is concerned.

The moral reason why the Council of Trent willed to reserve the approbation of confessors to the Bishops, was because Bishops are *ordinary* pastors, and they are superior to parish priests (*parochi*), although these also are ordinary pastors. It was moreover to be presumed that, as a rule at anyrate, Bishops would rightly exercise this power.

It does not suffice that a priest should be known to be fit to hear confessions, even by the Bishop himself, for this is a judgment which belongs only to the *understanding*. He must obtain from the Bishop actual approbation, or leave to hear confessions, an act which depends on the *will*.

It will be observed that there is a real difference between *giving leave* to hear confessions, and *empowering* to hear confessions. Leave is equivalent to approbation, as it is a condition which is necessary to the empowering of the confessor. The confessor is empowered by means of the jurisdiction which is afterwards conferred upon him. This jurisdiction is not necessarily bestowed by the Bishop who,

through his approbation, has given him leave to hear confessions if he should be empowered to absolve.

Bishops are *bound of justice* not to refuse approbation to Mendicant religious, without just cause. They will sin grievously by doing otherwise.

The privilege of *exemption* from the jurisdiction of the local Bishop bestowed on a religious Order does not of itself involve, or necessarily carry with it, delegation of jurisdiction immediately from the Sovereign Pontiff for hearing the confessions of seculars, since it is possible for the one privilege to subsist without the other. As matter of fact, however, all Mendicant religious, and those who communicate with mendicants in their Privileges through Indult of the Apostolic See, receive jurisdiction from the Roman Pontiff, through the prelates of their respective Orders. See Ballerini, *Opus Theologicum Morale*, vol. v. p. 271.

If a Bishop refuses without sufficient cause to approve Regulars, or to admit them to examination of their fitness, he will be proceeding *unjustly* against the *right* which Regulars have to hear confessions, since in virtue of the Privileges of their Order they are quasi-parish priests (*parochi*), delegated by the Sovereign Pontiff for the hearing of confessions. See Lugo, *De Pœnitentiâ*, Disp. 21, n. 54.

Bishops have power to give approbation with limitation as regards persons and places. This is reasonable, because they might judge a priest to be fit for hearing the confessions of certain classes of persons, or the inhabitants of certain towns or places; and not fit to hear the confessions of other persons, or fit to hear the confessions of men, but not the confessions of women.

Approbation once given continues, so long as it has not been recalled. It is not therefore extinguished by the death of him who gave it. It can be recalled for a just cause, since the grounds for giving it are not unalterable, consisting as they do in learning, moral qualifications, and other necessary conditions for the hearing of confessions, with regard of all of which the priest is liable to change. If, moreover, it should turn out that the approbation had proceeded on notable error, it may be recalled.

A priest who has been approved by one Bishop may be judged unworthy on the new examination which his successor has a right to institute. In rigour of law, and of his absolute power, a Bishop might recall to examination those of *his own subjects* whom he has already approved. He ought not, however, to do this to the injury of anyone, or without reasonable cause. By special privilege of the Pontiff *Mendicant* religious can be examined *once* only by the same Bishop.

To regulars the Bishop does not give jurisdiction, but only "approbation," which is not a favour on the Bishop's part, but a *juridical declaration*, which is *due of justice*, of their *fitness* to hear confessions. This declaration is simply a *condition*, albeit a necessary condition, which renders them *capable* of receiving the jurisdiction which flows to them *from the Apostolic See*, by means of their Privileges.

As it is a *judicial declaration*, "approbation" is an act of the Bishop's *will*, as well as a judgment of the Bishop's understanding. A regular who happens to stand high in the Bishop's estimation for his learning and skill and dexterity in moral matters, and for other qualifications which pre-eminently fit him for the hearing of confessions, cannot on the strength of his own knowledge of this fact, or even of the notoriety of the Bishop's esteem for him, proceed to hear confessions in the Bishop's diocese, unless by an act of the Bishop's will his fitness has been *juridically declared* through "approbation" in conformity with the Trent decree.

The faculty in an approved priest of a religious Order, to which jurisdiction has been communicated by the Sovereign Pontiff, for hearing the confessions of seculars, is dependent on his religious Superiors. He is dependent on them not only inasmuch as that, by reason of the subordination of obedience, it should not be *lawful* for him to exercise this function contrary to the will of his Superior; but also because *substantial* faculty to hear confessions, and the necessary jurisdiction, is bestowed upon him by his religious Superior. All faculty and jurisdiction for this ministry descends from the

Sovereign Pontiff to the priests of a privileged religious Order, to whom it is communicated through the General, either immediately or by means of the Provincials or other Superiors to whom, either of ordinary right or by delegation, this power of creating confessors is granted. It follows that a religious Superior has power to withdraw from his religious subject all faculty and jurisdiction for hearing confessions. He has power also to grant the faculty in part, and not in whole, for the hearing of certain classes of persons, such as, for instance, men only and not women.

If, besides *approbation*, which a Bishop is *of justice bound* to grant, he should also *ex abundantiâ*, and of his own liberality, and as a grace and favour, grant *jurisdiction* to a regular, as he certainly can do, and as it is very commonly done at the present day, the regular will have two distinct grants of jurisdiction, or, in other words, he will have jurisdiction through two distinct channels. It follows as a consequence that the regular's absolutions of seculars will be valid, in virtue of the jurisdiction gratuitously delegated to him by the Bishop, even if he should have been forbidden to hear the confessions of seculars by his religious Superior—that is to say, by that Superior who had power to communicate to him the pontifical jurisdiction bestowed upon his *Order*. Besides sinning grievously against obedience, the regular is also in hearing confessions deprived of all power to avail himself of the faculties which, by privilege of the Apostolic See, belong to his Order, such as those for absolving from certain cases and censures. His absolutions, so far as these are concerned, will be absolutely *invalid*. He enjoys those special faculties which belong to his Order, only as communicated, and in so far as they have been communicated to him through the Superior who has power to do so, in accordance with his Institute, or with the terms of the Pontifical Privilege. These special faculties having been withdrawn by his Superior's prohibition, and his consequent withdrawal of the jurisdiction which he had previously communicated to his subject, that subject's faculties will be no greater than are those which the Bishop had it in his power to bestow, and did as matter of fact gratuitously bestow. See a Declaration of the Sacred Congregation of Bishops and Regulars, March 2, 1866; and Gury, ed. Ballerini, 1866, vol. ii. p. 442.

3

No one can lawfully minister the Sacrament of the Eucharist to the faithful, unless he has for so doing

jurisdiction, either *ordinary* or delegated, or the leave of an ordinary pastor of souls. The ministration of the Eucharist is one of the principal acts of feeding of the faithful. It belongs therefore to their pastors, and cannot lawfully be usurped by any other person on his own authority. The Sovereign Pontiff has power to grant this faculty independently of all inferior prelates or pastors. This is most certain, and of faith. It follows from the fact of the Pontiff's possession of supreme power, which is absolutely independent of all inferior prelates.

The Sovereign Pontiff as Universal Bishop, *cujus diœcesis est orbis terrarum*, has by divine right *ordinary* and *immediate* jurisdiction throughout the whole of his world-wide Diocese. A Declaration of the Sacred Congregation of the Council [see Fagnanus, c. *Omnis utriusque sexûs*, n. 79] says that Regulars have their jurisdiction from the Pope, whose jurisdiction is not restricted within the limits of any territory, since the *whole world is his Diocese*.

He is Universal Bishop not merely in the sense that he is Bishop of Bishops, but in the sense also that he is the *immediate* Bishop of every one of the faithful, *omnium Christifidelium*. [See the Vicar of Christ, by William Humphrey, S.J., London. Art and Book Co., 1892, page 44.]

Power to minister the Eucharist to the faithful was granted to the Society of Jesus by Paul III., so that the priests of the Society can minister, and the faithful can lawfully and freely receive the Eucharist at their hands, at any time of the year, except at Easter and at the hour of death, and that without the leave of the Rectors of parochial churches being required. Of course those fathers cannot minister the Eucharist in a church which is not their own, against the will of its Rector, since this would be to the prejudice of his rights.

It is to the *ordinary* pastors of souls that the care of the sheep belongs, especially as regards observance of the precepts. Hence *ordinary* pastors are held to have special rights on two occasions—namely, at Easter and at the hour of death, when the precept of communion

binds the faithful. It would be to the prejudice of pastors if without their leave or consent the Eucharist were on either occasion to be ministered by others. It is not as if the Sovereign Pontiff could not, if it so pleased him and such was his will, grant this further privilege to religious, since he could reserve this ministry to himself, and entrust it to whomsoever he pleased. For the reason given, however, he has not done this, and he does not judge it expedient to be done. The limitation with regard to Easter and the hour of death is always to be understood, even when it is not expressed, in general Pontifical Privileges of this kind. Easter is to be reckoned as including the eight days before and the eight days after Easter-day, because, according to the more common custom in the Church, the ecclesiastical precept of paschal communion can be fulfilled within that time. Where custom extends this time, the extension of time is also to be reckoned as Eastertide. All persons can be admitted to communion in churches of regulars who have already fulfilled their parochial duty and who desire again or more frequently to communicate during those fifteen days.

The existing law, while it binds all the faithful to receive paschal communion in the parish church (in countries where there are parish priests [*parochi*] with *ordinary* jurisdiction), permits regulars to adminster the Eucharist in their own churches to all the faithful on every day except Easter Sunday. In the city of Rome Thursday in Holy Week is also excepted. See Gury, ed. Ballerini, 1866, vol. ii. p. 125.

It is not forbidden to regulars to communicate a sick person in his bed, when he communicates for the sake of devotion, and not because of his peril of death, and even if he is in peril of death, so long as he does not communicate in order to fulfil the divine precept. That precept is fulfilled by one communion made within the period of peril. Since it is an affirmative precept, it does not bind on any one particular day, but leaves

the determination of the day to discretion. So long, therefore, as the state of the sickness and peril is not such as to bind the sick man to communicate at once, and on the same day, it will be lawful for regulars to administer the Eucharist to him, if he desires to communicate from devotion, without intention thereby to fulfil the precept, and with a purpose of asking for viaticum on another day from the parish priest (*parochus*) if his peril should increase and his obligation should appear to be more directly urgent. Similarly, if the sick man has already communicated within the time of peril, so as to fulfil the divine precept, and with the intention of so fulfilling it, he can afterwards again and again during the same sickness receive the Eucharist from devotion at the hands of regulars.

There are three classes of men who are bound to say the Canonical Hours; or, better still, there are three reasons from which this obligation springs—namely, Sacred Order—religious profession in an Order which is dedicated to Choir—and an ecclesiastical benefice.

It is not all religious, or all professed regulars, who are bound to say Office. It is the professed religious of those Orders only which in virtue of their Institutes are devoted to Choir. There may exist true religious Orders apart from any obligation to Choir. This obligation is not necessarily connected with the religious state. Among the religious who are bound to say Office are included those Nuns who belong to Orders which observe Choir. Obligation to Choir in the old Order took its rise from their Rule or Institute. It was afterwards so confirmed by universal custom that many persons could hardly be persuaded that a true religious Order could possibly exist which should be free from obligation to Choir. This idea was put an end to by the Holy See, through its approbation of the Institute of the Society of Jesus.

There are in this matter two obligations which have to be considered in their distinctness one from the other. One is the common obligation in the monastery that Choir should be kept up. This obligation is certain. The other is the obligation of individual religious to be present in the Choir, and to recite the Canonical Office. It is certain that no religious man and no *Nun* is bound under grievous sin to say the Hours in Choir. The precept which binds the community to Choir can be observed without all the religious being bound individually under grievous sin to be present in Choir, and there exists

neither any law nor any custom from which such an obligation can be proved.

A custom which depends upon a Rule is not more binding than is the Rule itself, and the Rule in many Orders does not bind even under venial sin. Although, however, this custom took its rise from the Rule, or from the founder of the Order, it has, nevertheless, afterwards and, as it were, by an imperceptible growth, been so accepted by Orders which are dedicated to Choir, and which have been approved by the Apostolic See, that every professed religious of those Orders is personally bound to daily recitation of the Breviary.

The force of this custom is most apparent in the case of *Nuns*. *Nuns* are not bound by any other title, apart from this custom, to recite the Canonical Hours, and they, nevertheless, regard themselves as bound under grievous sin to the recitation of them.

As the obligation for clerics in Sacred Orders has been induced by custom, so by the same custom has been induced the obligation for professed religious, both men and women, and it has been effected, not that every religious Order, but that every religious Order which is dedicated to Choir, should be bound to this—that every one of the professed religious should daily pay, at least privately, his tribute of the Divine Office. The lawgiver, whose legal consent is required to give force of law to a custom, is in this case the Apostolic See. That See is the ruler of all religious bodies, and this custom is of such a character that it is not within the competence of the highest authority which exists in individual Orders to abolish the obligation.

Novices are not bound to recitation of the Office, since they are not as yet bound by the laws of the Order to which they belong. Those who after their noviceship have made *simple* vows in Orders in which *solemn* vows are made, and which are also dedicated to Choir, are not bound to private recitation of the Divine Office. They ought, nevertheless, to assist in Choir along with the solemnly professed.

Attention, in the saying of the Divine Office, is to be distinguished from *intention*. *Intention* is an act of the *will*, and by it we set before ourselves something as to be arrived at, or as to be done. *Attention* is an act of the *understanding*, which is fixed in consideration of some particular thing. It is manifest that *intention* to pray is necessary in order that there should be prayer. In order that a man should beg something from God, or should praise God, or should give Him thanks, it is necessary that he should have the will to beg, or to praise, or to give thanks. Prayer, as such, is a human act. There would otherwise be no difference between prayer and reading, or recitation of a psalm, or study of scripture.

Intention is either formal or virtual and implicit. The last suffices for prayer, as it suffices in order to any other moral act.

Attention is threefold—superficial, literal, and spiritual. *Superficial* attention is attention to the material words, so that they should be

uttered rightly and in their integrity. *Literal* attention is attention to the sense or meaning of the words. *Spiritual* attention is attention either to God to Whom one prays, or to the thing for which one prays.

Virtual intention to pray is necessary, and prayer cannot exist without virtual attention. Then only does there cease to be virtual attention when a man knowingly, and adverting to the fact that he is thinking of other things and not attending, takes no pains, but neglects to say the prayers attentively, or directly wills to say the prayers without attention. In so doing the man no longer wills to pray. He thereby really recalls his previous intention. To will to speak in that way is not to will to pray. When there ceases, therefore, to be virtual *attention*—that is to say, when a man knowingly and willingly perseveres in a course of distraction to which he adverts—there ceases also to be virtual *intention*, and so there is no longer prayer.

Freely voluntary wandering of the mind excludes intention to pray. If there is not freely voluntary wandering of the mind, there must necessarily exist at least somewhat of virtual attention. This is that attention which is required in order that there should be true prayer.

We must distinguish also between attention regarded *physically*, and attention regarded *morally*, as it is an act which is good and well pleasing to God, and which gives God honour. As attention is a physical act, it does not virtually remain, if it does not actually remain. As attention is a good moral act, it is an act which has been commanded by the will for a good end—that is to say, for the worship of God. It is to this will chiefly that God looks, and this is that which only *voluntary* distraction can avail to destroy. An actual will to attend may, therefore, be called *attention*, while a still remaining will to attend may be called *virtual* attention.

A man who has said his Office with distractions is not bound to restitution by repeating it. The penal law regards those who omit the Office. The man who has said his Office with distractions has not omitted his Office. Although he may have sinned, the penal law, which is of strict interpretation, does not touch him. See Ballerini, *Opus Theologicum Morale*, vol. iv. pp. 250 and 311.

CHAPTER XI

DEPARTURE FROM RELIGIOUS LIFE

A PROFESSED religious cannot lawfully, at his own discretion, and without due leave, depart from his Order; nay, nor from his convent; since by reason of his state and profession he is bound to perpetual perseverance.

The first and least degree of fault is—when a religious goes out of his monastery or convent without the knowledge of his Superior, but observing in other ways all that belongs to due and ordinary going out of the house—namely, that it should be in the day time, by the common gate, and only for a short time.

If a religious goes out, not by the accustomed door, or not by any door, but in some other extraordinary way, this can scarcely be excused by any circumstance from mortal sin, on account of the at least moral peril of scandal and dishonour, not only to himself but to his Order.

Much more grave will his fault be if he goes out by night. Clement VIII. absolutely lays down among the cases for reservation among regulars, nocturnal and furtive going out of the monastery even without intention of apostasy. Such a sin is against justice, and inasmuch as it concerns a sacred thing, it includes the wickedness of sacrilege. The monastery with its enclosure is a sacred place, the sacredness of which is grievously violated by furtive and nocturnal going outside it.

The second degree of sin is—when a religious departs from the monastery without leave, and with a purpose of

flying from obedience and subjection to his Superiors, although not with the intention of remaining in the world, or of abandoning the Order or habit, but on some other occasion or pretext, with notable and scandalous absence, although always with a purpose of returning. This is properly called "flight from the monastery." It is not strictly *apostasy*, which requires several other conditions.

"Flight from the monastery" is a grievous sin against both justice and religion. A religious is, in virtue of his state or profession, bound to remain subject to the power and government of the Superior of his Order, and to remain in union with that body under its head. Such flight is, of its own nature, scandalous both to the other religious and to externs. It is, moreover, specially prohibited by the Council of Trent, which ordains that those who thus fugitively depart from their convents are to be punished by the Ordinaries as deserters of their Institutes.

The third degree of change of state, and consequently of sin, is—when a religious deserts his Order with the intention of not returning, even if he should not abandon the religious habit. This may occur in two ways—either with the intention of passing to another religious Order—or with the intention of remaining in the world—and this again, either with a purpose of always retaining the habit, or absolutely with intention to conduct himself at his own discretion and pleasure. This sin is properly *apostasy* from religion. It is included as such by Clement VIII. in his decree with regard to the reserved cases of regulars.

A fourth degree of change of state is made—by flight from the Order with abandonment of the religious habit, and with intention to remain outside religion, not for ever but only for a time. This is a mortal sin, and by committing it excommunication is incurred.

If the flight and abandonment of the religious habit should be with intention to remain and live in the world for a long time, either for a determinate space of three or four years, or indeterminately at discretion, or until the end of some transaction, true apostasy is committed.

The fifth degree of change of state is — when a religious departs with a deliberate intention of perpetual abandonment of religious life, and divests himself of the religious habit. This is the most complete act of this kind of wickedness. He who does it becomes instantly and in the moment an apostate, and incurs excommunication and the other punishments of apostates.

Internal apostasy is committed simply by a deliberate purpose of abandoning the religious life. It does not entail ecclesiastical penalties, nor even excommunication, nor is it a sin absolution from which is reserved. External apostasy consists in actual abandonment of the religious habit or Order.

In order that apostasy should be external, so as to fall under the censure and reservation, there must be departure beyond the bounds of the monastery or convent. Hence, although a religious should have changed his habit, and put on secular attire, and left his cell, and arrived at the bounds of the monastery, if he should change his mind before he has passed them, nay, even if he should have been captured and detained by force, he will not be absolutely an apostate, since he has not completed that act which is signified by the term— *Apostasy.*

2

He is not a true apostate, nor does he incur the penalties of apostasy, who is not a true religious. Hence a novice does not become an apostate by departure, because he has not yet made profession, and so is not properly a religious. A person who contracts matri-

mony after a simple vow of chastity is not an apostate. Neither is one an apostate who has made three simple vows of poverty, chastity and obedience in the world, whether in a private manner of life, or in a community with a rule which has not been approved by the Church as a true religious Order.

All true religious, even those who have made only simple vows in an Order approved by the Church as a true religious state, become by criminal departure from their Order truly apostates, and incur the penalties imposed by common law. No departure from religion which has been made without sin can be called an apostasy.

Religious Superiors are bound to strive to bring back fugitives to their monasteries. They are bound, in virtue of their office, to watch over and to provide both for the common good of the Order, and for the spiritual welfare of their subjects. If, however, the fugitive is manifestly incorrigible and hurtful to the Order, the pastor will be excused from the burden of seeking after so diseased a sheep, since the common good is to be preferred to the private good of the individual. Although the Order may rejoice at the amputation of a pernicious member, yet, since this has taken place in an unlawful way, the apostate remains always in the state of damnation until he has been absolved, and has had leave for his departure granted to him by a competent Superior. Even as a fugitive he still remains subject to the care and jurisdiction of the Order.

An apostate is bound, in returning to his monastery, to carry back with him all the goods which he has acquired, either by begging or donations, or as stipends for masses or sermons, or by means of manual labour or the like. These goods belong to the monastery or Order, since a religious acquires nothing for himself, but all for his Order. He cannot therefore give them away, but can use only so much of them as is necessary.

Although a religious cannot, on account of his vow of poverty, accept anything without leave of his Superior, yet an apostate does not necessarily in this way always commit sin. He is living in a condition in which leave is morally impossible, and in which he must necessarily at the same time accept something. Although the impossibility was begotten of sin, yet after the impossibility has been created, the fact of it may excuse from fresh sin.

3

Co-operators with apostates sin grievously against divine and natural law, as taking part in that which is intrinsically evil, sacrilegious and unjust. The first and greatest degree of *positive* co-operation is when one excites and induces a religious to departure or flight. This is not only to co-operate, it is very principally to operate, and to be the first author of the apostasy.

The second degree of *positive* co-operation in apostasy consists in giving counsel to a religious who seeks it, and approving of the apostasy which he contemplates.

The third is to aid him in his flight.

The fourth is to receive, to conceal, or to defend the apostate after his departure. Those who do so are so far causes of his not at once returning to his Order.

There is *negative* co-operation with apostasy when one has power to hinder either the flight of an apostate, or his remaining in the world, and neglects to do so. This, however, supposes an obligation to interfere, for in omission there is no guilt where there is no obligation. An obligation might be either one of charity— or one of duty, which belongs to justice. An obligation of charity does not suffice to constitute co-operation ; an obligation of duty does.

A man who makes a religious to apostatise is in no case bound to enter religion in order to supply his place. Entrance into religion is an act which is so difficult, and which is so eminently an act of supererogation, that no

man can be compelled at such cost to himself, or under so grievous a burden. Entrance into religion is not in itself intended for the advantage of a religious Order, but for the spiritual advantage of the religious himself. If, however, the monastery has lost some temporal gain by reason of the absence of the fugitive religious, he who caused his leaving through force or fear will be bound to restitution in reparation of this loss.

4

A professed religious can be lawfully expelled by his Order for a just cause. The common good of the Order is to be preferred to the private good of an individual religious. It is also morally necessary to the common good that the Order should have power to cut off a putrid member, lest it should infect the other members. No wrong is hereby done to a private religious. The covenant of the Order with him, when it bound itself to him by accepting his profession, included the condition that he should study to live in accordance with the Rule, and that he should not disturb the Order, but should show himself obedient and open to correction. If, therefore, he proves faithless, his Order is no longer bound to him, and has power to expel him.

Hence it is not necessary that a religious should consent to his own expulsion. Expulsion is not so much a medicinal remedy as it is a vindicative punishment in order to the common good. It does not, therefore, depend on the consent of the delinquent, but can be inflicted against his will, if it is judged to be expedient for the common good.

In order to the expulsion of a religious, some incorrigibility on his part is always necessary. Actual contumacy, however, is not always necessary.

A religious should not always be expelled for even a grievous fault. Other medicinal punishments should first be administered, and tried in all ways for his amendment. This is much in accordance with the

religious state—which is a school of virtue and perfection,—to which it belongs not only to promote virtue but also to correct faults, and especially to cure the infirm. It is therefore very foreign to such a state at once to despair of the infirm. This would be done by expelling the infirm with previous corrective treatment. If, however, a religious, after having been over and over again corrected, does not amend, and again and again relapses, it may be that even if he should promise amendment he ought to be expelled, since he may be said to be sufficiently incorrigible.

It is one thing to be incorrigible, and it is another to be actually contumacious. Contumacy implies an actual resistance of the will. Incorrigibility implies only reiterated relapses after correction.

Two conditions are necessary in order to just expulsion of a religious. One is commission of a grievous sin, which is external, and which is such as to give scandal to others or to bring dishonour on the Order. The other condition for just expulsion is that admonition and correction should have been administered without fruit in amendment.

As expulsion is an act of vindicative justice, and is pre-eminently coercive, it requires jurisdiction. First and principally the Sovereign Pontiff possesses this power. He possesses it not only as he is Supreme Pastor of the Universal Church, but also as he is Supreme Prelate of every religious Order.

A religious body itself also possesses this power. It is not necessary that power to expel should have been specially conferred upon it by the Sovereign Pontiff. It suffices that this power should not have been taken away or reserved by him. Every corporate body has the right of severing from itself contagious members.

In *solemn* profession there is a perpetual reciprocal obligation between the religious who delivers himself to an Order, and the Order

which accepts him. In profession of *simple* vows on the other hand, there is a perpetual obligation on the part of the religious who delivers himself, but there is not a perpetual obligation on the part of the Order which accepts him. The Order reserves to itself the right to dismiss him, if this should be seen to be expedient. This is not at variance with his state being a religious state. That man is truly in a state of bondage who cannot free himself from his obligation of service, although he might possibly at any time be set free by his owner or master. In like manner a religious who cannot at his own will put off the yoke of religion, is truly in the religious state, although it remains possible for him to be dismissed by the Order. The donation and delivery of himself which was made by the religious was absolute and complete.

No injury is done to the religious who is accepted on this understanding. It is with full knowledge and free will that he agrees to the condition, and when he is dismissed he is sent forth free from every obligation of his vows.*

By a Decree of the Congregation on the state of Regulars, 12 June 1858, it is declared that no religious can be dismissed on the ground of an infirmity which has supervened since the date of his profession of simple vows. See Ballerini, *Opus Theologicum Morale*, vol. iv. p. 18.

5

By expulsion religious profession is not dissolved as regards the *bond* of it, but only as regards practice and co-habitation. A religious, although expelled, does not *thereby* cease to be a religious. If he has been solemnly professed, he remains for life incapable of matrimony, even if he should not be in Sacred Orders. His profession, and whatsoever is of the substance of that profession, remains in its entirety. Hence his three vows of chastity, poverty, and obedience endure in the obligation of them.

An expelled religious is not morally supposed to have sufficiently amended until he humbly petitions to be received back again into his Order. He is bound to amend sufficiently to satisfy his Order, so that he may again be received into it. Even if he should have been again and again refused, he will be bound to re-enter the Order if he should be recalled, unless he should have

* See the last chapter of this volume.

in the interval passed to another Order, and in this way had his previous obligation commuted.

By his expulsion a religious is not loosed from his vow of obedience, although, for the time being, he cannot practise obedience, being deprived of the actual government of a Superior. If he is recalled to actual obedience, he is bound, *in virtue of his vow*, to return and obey.

Even if his Order should be willing to renounce its right of recalling him, in perpetuity and without any limitation, it has not power to do so. That right belongs principally to God, and it cannot be renounced by any will of man without just cause.

When an expelled religious returns to his Order, either at his own request and with consent of the Order, or otherwise and by command of the Order, his reception must be effected by some one who has sufficient power for this purpose. The person in whom this power is vested will be determined in the cases which occur by the Institutes and Rules of the various religious Orders. Nothing is in this matter ordained by common law.

When an expelled religious is again received into his Order, he is not to make a new *profession*. He has not been by his expulsion set free from the *bond* of his profession, and of his solemn vows. He does not, therefore, stand in need of new profession. He needs only a revocation of his previous suspension, and of his actual separation from his Order.

A religious who has merited expulsion loses his right to his grade in profession as regards his seat in a chapter or congregation of his Order, his voting and other prerogatives, for which antiquity of profession is necessary.

A religious who has been expelled from his own

Order can freely, if he chooses, enter another Order, after he has first used all diligence to be received back into his own Order, and that without success. He can also, after being expelled, and without waiting for any leave or using any diligence to be received back into his own Order, enter a more strict, or even an equally strict order. He does not thereby do any injury to his own Order, which has expelled him. He does not do any injury to the religious state, since he is embracing a state which is either better than or equal to his former state. In virtue of his previous profession, however, he is bound to live, so far as lies in his own power, in a state of the same perfection. He cannot, therefore, so far as he is himself personally concerned, freely pass to an Order which is less strict than is the Order from which he has been expelled.

An expelled religious is, nevertheless, never bound to pass to another Order. He is free to remain in the world, after he has on his amendment shown himself ready to return, and has been rejected. In matters which belong to counsel no man is bound, except to that to which he has bound himself by vow.

6

As regards the vow of chastity which had been made by the expelled religious, there is no difficulty. The observance of that vow does not depend on any Superior, or on any special mode of life. This vow, therefore, can and ought to be observed in its entirety.

An expelled religious remains a true religious. He is, therefore, bound as far as he can to preserve his religious manner of life, at least as regards the *substantials* of it. This he cannot do unless he obeys with a *special obedience* some one man, and there is no man to whom such obedience can and ought to be given rather than to the Bishop. Those who in ancient times professed

a solitary religious life were thereby specially subject to their Bishop, and all monks were specially subject to their local Bishop, unless they were exempted from his jurisdiction by the Sovereign Pontiff. A religious, after he has been expelled from his Order, remains in a *quasi*-solitary religious state, and he is at the same time deprived by his expulsion of the privilege of exemption from the jurisdiction of the local Bishop. He is, therefore, reduced to the status of the old law, and he falls under special subjection to his Bishop. He is subject to him not only in the way which is common to secular clerics and to the faithful laity, but in a special manner and as he is a religious.

A vow of religious obedience is made by exempt religious to the Sovereign Pontiff, as he is in a special manner the Supreme Prelate of all religious Orders. By religious who are not exempt this vow is made to the Bishop, as to a prelate who is superior to all their other prelates, although, of course, the vow is at the same time made also implicitly to the Sovereign Pontiff, as he is the Supreme Prelate of all religious. If, therefore, an expelled religious is not exempt, it is clear that he remains under the obedience of the Bishop, in virtue of his vow, because at the outset he promised obedience to him as to his own proper prelate. Although an exempt religious did not in so many words promise obedience to the Bishop, yet he promised it to all his prelates. Although before his expulsion the Bishop was not his proper prelate, and he was therefore not bound to him by his vow of obedience, yet after his expulsion the Bishop began to be his prelate. The religious, therefore, then became bound to him, and that in virtue of his vow. Again, the vow of an expelled exempt religious was made not only to the prelates of his Order, but also to the Sovereign Pontiff as Supreme Prelate, nay, to him primarily and principally, and to others as to his vicegerents, or as holding his place. His vow, therefore,

even after his expulsion, binds him to obey the Pontiff, and so to obey his vicegerent, who in this case is the local Bishop.

Apart from the vow of obedience, and the direct obligation which is begotten of this vow, the Bishop, in virtue of his own office and jurisdiction, has power to govern every religious person who is not exempt, to prescribe everything which befits the religious state, and to remove everything which is unbecoming to that state. A religious is, as such and in a special manner, a sacred and ecclesiastical person, and hence, on this ground alone, he comes under the special care of the prelates of the Church, and consequently, when exemption ceases, he belongs to the special care of the local Bishop. He owes to the Bishop a *special* obedience, very different from that of seculars, whether lay or clerical, since this obedience is ordained in order to a different end, and it therefore includes different means. Hence he is bound to manifest himself to the Bishop, and to make known to him his state, in order that he may, as a religious, be religiously governed by him.

An expelled religious is free forthwith to present himself to the Bishop of the place in which his monastery is situated, and to obey him. He can do so either by reason of his domicile, which he then chooses and begins to have, or because he is then a *quasi*-pilgrim without any domicile, and therefore is subject to the pastors of the place where he is for the time being. He is not, however, bound to do this, but may, if he chooses, go to the Bishop of his birthplace. His choice lies between those two. As regards other Bishops, there does not exist any ground of subjection between him and them.

An expelled religious is not bound to recite the Divine Office, unless he is in sacred Orders, since he has not specifically vowed this service. He is not bound to observance of the Rule. Still less is he bound by any custom which obtains inside the Order. There is no

ecclesiastical precept which ordains this. It is no question of exoneration, or of his profiting by reason of his sin, but simply an absence of foundation for obligation. The foundation of such obligations is not bare profession, but profession with actual determination to Choir, and to certain customs. This determination has been interrupted by his expulsion from the monastery.

An expelled religious is not bound, nay, he has no right to wear the habit of his Order, since he has been justly deprived of it. For him to wear the habit would be to the great injury and dishonour of the Order. The religious habit, in common conception, signifies actual union with the Order, and life led under obedience to its superiors. This significance in an expelled religious would be false. Neither is an expelled religious bound to wear the clerical habit, unless he is a cleric. He will then be bound to wear it simply in virtue of his being a cleric. He cannot be compelled by obedience to the Bishop to wear the clerical habit, since he neither directly vowed this, nor did he vow to obey in all things without discrimination as to whether or not they belonged to the religious state, and the clerical habit does not belong to that state. He can only be obliged to wear a decent dress, suitable for a man who professes chastity and the state of perfection, and the selection of it must in individual cases be left to prudent judgment. Thus, if a professed Nun is expelled, she can be compelled to wear a decent dress suitable for a virgin, but not a dress of any special pattern.

An expelled religious is not bound to live a solitary life. He did not vow this, nor did he promise to obey in matters of this kind, nor is this manner of life according to the Rule in accordance with which he promised obedience, nor is it a means which is necessary in order to preservation either of the chastity, or of the poverty which he vowed. All that the Bishop can bind him to do

is to reside in a respectable place, where he can live without moral peril to his chastity. So also again as regards residence, he did not vow any enclosure except religious and cenobitic or conventual enclosure. In like manner with regard to special acts, or exercises of virtue, such as fasts, disciplines and other afflictions of the body, prayers, whether vocal or mental, and works of mercy, whether corporal or spiritual, an expelled religious cannot be bound by *special* obedience to the Bishop, except in so far as these may be necessary for the observance of chastity.

As regards expelled religious the Rule is as if it were not. It was made not for religious in this condition, but for religious who are living in their normal condition of practice, as well as of obligation.

An expelled religious is bound to obey the Bishop in three classes of matter only: first, in matters which belong to the decency or becomingness of the religious state, as, for instance, with regard to dress, occupation, business, intercourse, and the like; secondly, in matters which belong to observance of religious chastity; and, thirdly, in matters which are necessary in order to the practice of poverty.

A Decree of the Sacred Congregation of Bishops and Regulars, *Auctis admodum*, Nov. 4, 1892—after stating that—along with the very great increase, through the singular beneficence of God, of Institutes of *simple* vows, which have been the source of many benefits—certain inconveniences have been begotten through the easy departure of *alumni* from such societies, and their consequent return, in accordance with established law, to the diocese of their origin; and that these inconveniences have become all the more grave through the want of temporal goods from which the Church is at present suffering, so that Bishops are often unable to provide for the leading by those men of a becoming life; and that some local Bishops, weighing these and other like matters, which concern also the *alumni* of Orders of *solemn* vows, in the light both of the comeliness of ecclesiastical order, and of the edification of the faithful, have with instant supplication petitioned the Apostolic See that some remedy should be applied—declares: 1. That the Constitution of St Pius V., October 14, 1568 (*Romanus Pontifex*), and the Declaration of Pius IX., June 12, 1858, remaining in force, by which it is forbidden to Superiors of Regular Orders to grant

Dimissorial Letters to either novices or professed of triennial *simple* vows, so that they should, on the title of poverty, be promoted to Sacred Orders—the same dispositions are extended also to Institutes of *simple* vows, so that the Superiors of those Institutes cannot in future grant Dimissorial Letters for Sacred Orders, or in any manner of way promote their *alumni* to Sacred Orders on the title of Common Table, or of the Mission, except those *alumni* alone, who have made vows which, although simple, are *perpetual*, and have in a stable manner been aggregated to the Institute—or who have remained for at least three years under *temporary* simple vows, in the case of those Institutes which defer perpetual profession for three years. To this end, all Indults and Privileges already obtained from the Holy See—and all contrary dispositions contained in their respective Constitutions, even if these have been approved by the Apostolic See—are revoked.

2. Hence it ought to be known that, as a general rule, it will not in future be dispensed that an *alumnus* of a Congregation of *solemn* vows should be promoted to Greater Orders without his having first made his *solemn* profession—or that an *alumnus* of an Institute of *simple* vows should be promoted to Greater Orders, unless he has persevered for three years under his simple vows. If at any time there should occur a lawful cause why some particular person should receive Sacred Orders before completion of the three years, dispensation may be applied for from the Apostolic See, in order that this cleric may make solemn vows, although he has not completed his three years—and, in the case of Institutes of *simple* vows, that the cleric may make *perpetual* simple vows, although the time prescribed for profession of perpetual simple vows has not yet expired.

3. The dispositions contained in the Decree of the Sacred Congregation of the Council, published by command of Urban VIII., September 21, 1624 (*Sacra Congregatio*), and in the Decree of the same Congregation, published by command of Innocent XII., July 24, 1694 (*Instantibus*), and in other general decrees—whereby is ordained the method to be observed by Superiors of Regular Orders in expelling their *alumni*—not only remain in force, but are imposed for observance on the Superiors also of Institutes of *simple* vows—as often as there is question of the dismissal of an *alumnus* who has professed vows which although simple are perpetual,—or who is bound by temporary simple vows, and has been constituted in Sacred Orders—so that those Superiors cannot dismiss any one of these except for a grievous fault, which is external and public, and unless the guilty person is at the same time incorrigible. In order that any one should be held to be really incorrigible, Superiors ought first to administer, and that at three distinct times, admonition and correction, and if this should prove to be of no avail, they ought first to instruct a process against the delinquent—to acquaint the accused with the result of the process—and to afford him a fitting space of time for the preparation of his defences, either by himself, or through another

religious of the same Institute—and if the accused does not himself present his own defences, the Superior of the Tribunal ought to constitute some *alumnus* of the Institute as his defender *ex officio*. After all this the Superior with his Council can pronounce sentence of expulsion or dismissal. This, however, will have no effect, if he who has been condemned should in due manner appeal from the sentence to the Sacred Congregation of Bishops and Regulars, and until definitive judgment has been given by the said Congregation. Whenever, for reasons of weight, the aforesaid method of procedure cannot be observed, recourse should be had to this Sacred Congregation to obtain dispensation from the solemnities prescribed, and faculty to proceed summarily, in accordance with the practice which obtains in this Congregation.

4. Alumni of *solemn* vows, or of *perpetual* simple vows, or of temporary vows, who are in Sacred Orders, are, if they are expelled or dismissed, to remain perpetually suspended, until some arrangement has been made for them by the Holy See, and they have, moreover, found some Bishop who is benevolently willing to receive them, and have provided themselves with an ecclesiastical patrimony.

5. Those who, being in Sacred Orders, are bound by *simple* vows, whether perpetual or temporary, shall spontaneously ask for and obtain their dismissal from the Apostolic See—or who have otherwise by Apostolic Privilege been dispensed from their simple vows, whether perpetual or temporary—shall not leave their enclosure until they have found a benevolent Bishop to receive them, and have provided themselves with an ecclesiastical patrimony. Otherwise they will remain suspended from exercise of the Orders which they have received. This extends also to the *alumni* or *temporary* simple vows, who have already been set free from every bond of profession, through lapse of time since those vows were taken.

6. Those who have been professed, whether of solemn vows or of simple vows, are not to be admitted by the local Ordinaries to Sacred Orders unless, besides other matters laid down by law, they produce Letters-testimonial that they have studied Theology for at least one year in the case of the subdiaconate, two years in the case of the diaconate, and three years in the case of the priesthood, and have previously made the regular curriculum of studies.

7

It is certain that it is not lawful for a religious to lead his life outside his monastery without the lawful leave of a Superior who has power to grant it to him. It is also certain that with lawful leave this can lawfully be done. It is not in itself intrinsically evil, and it is not contrary to his vows. It is possible for him to observe

chastity outside the cloister, as do secular clerics. He can also observe poverty. By means of lawful leave there is preserved also the due subordination of obedience, since he remains always dependent on his Superior's will with regard to his place of abode. A religious has there his monastery and his cloister where he is dwelling by the will of his Superior.

In the Sovereign Pontiff, in the first place, as he is Supreme Prelate of all religious Orders, there resides supreme power to grant this leave. The prelate of the Order has also power to grant this leave. He will, however, sin grievously if he grants it without a grave and an almost necessary cause. Dwelling within the cloister contributes greatly towards religious life, avoidance of perils, preservation of uniformity, perfect union with the whole body, and edification of externs. Separation, on the other hand, of a religious from his Choir, and his leading a private manner of life, does not contribute to the edification of the people, unless it is justified by very weighty and manifest reasons.

Absolutely speaking, however, dwelling within the cloister is not necessary to religious well-living. It is not of the *substance* of the religious state. Outside the cloister it is possible for the three substantial vows to be observed, along with regular life, so far as the principal observances of it are concerned.

The ancient canons were more strict with regard to this point. They had reference to monks, who were not then permitted to exercise the ministries of clerics in preaching to the people and in the administration of the sacraments. Other Orders, such as the Mendicants, do not, in virtue of their Institutes, profess so strict an enclosure. In the case of Mendicants, therefore, although leave is necessary for going out, it can more easily be granted, and that even without any very great necessity or advantage. Sometimes a reason of friendly benevolence or of moderate recreation will suffice.

A perpetual and irrevocable leave to live outside the cloister cannot be granted. A Superior cannot exempt a subject from his obedience. So long as the leave, however indefinite, remains revocable, the subject continues always under the obedience of his Superior. Such a leave is not therefore at variance with his vow of obedience. It is not of necessity to obedience that the subject should be in local contact with his Superior, so as to be proximately governed by him in every particular matter.

A religious who is living with leave outside his cloister cannot possess any property, or have anything as his own, by reason of his change of life. This would be contrary to his vow of poverty. There is, however, of necessity granted to him a general leave to give and to accept. That leave is nevertheless limited, either by the expressed will of his Superior, or in accordance with the general rules of the obligation of his vow of poverty. Hence, in virtue of leave to live outside the cloister, leave to dispose freely of the goods which have been acquired in that state is not supposed, because between that state and such leave there is no necessary connection. That leave alone which is demanded by the necessities and by the respectability of human life, or by that which becomes it, especially by way of mercy, such as leave to give an alms at the dictate of right reason, is granted. This is reckoned to be granted when it has not been forbidden.

8

To pass from one religious Order to another religious Order, is not in itself, and intrinsically, or in the nature of things, evil; even if it is done on one's own authority, so long as the religious passes to a *more perfect* Order. It may be done even *against the will* of his own Order, since it is not contrary to the obligation which was contracted to God by religious profession.

To pass to an Order of less or of merely equal strict

ness on one's own authority, and without dispensation, is unlawful.

This is evident as regards an Order of less strictness, because it is not lawful without just dispensation to commute a vow of a better thing into a vow of a thing which is less good. Again—and this militates also against passing by one's own authority to an Order of merely equal strictness—it is contrary to the right which was acquired by the Order to which the religious first gave and delivered himself. The condition, included in the contract which was entered into by means of religious profession, and which limits that right, is the condition of greater spiritual fruit, and that only. This condition is provided solely for the greater glory of God, and for the greater good of the soul of the individual religious. Apart from this, freedom to leave one's own Order would be unreasonable. There would, moreover, be gross inequality if the Order were bound to the religious in perpetuity, while the religious was left free to leave his Order for another Order of only equal strictness.

To pass from one Order to another Order, even with a view of greater perfection, although it is in itself lawful, is perilous, and is rarely, if ever, to be counselled. It is perilous, in the first place, say both St Bernard and St Thomas, by reason of scandal to those who are left; secondly, adds St Bernard, because it is not safe to leave the certain for the doubtful; thirdly, according to St Thomas, to leave a known good, and to begin an unknown life is not wont to conduce to progress; and fourthly, St Bernard says that such cases beget suspicion of levity.

Further, flight from the monastery, even for the purpose of passing to a more perfect Order, is not lawful. The Superior has a right of guardianship both over the monastery and over the persons of the religious, and

to act in prejudice of this right, without reasonable cause, is inordinate. It is also in itself provocative of scandal. It has at least an appearance of evil. The act has about it a semblance of apostasy, or of breaking the enclosure, while the intention of the act remains hidden from the outside world.

If, however, a religious is unjustly hindered from carrying out his purpose, which he believes to be holy, or if he has reason to fear that he will be hindered by importunities, and if he is himself of such known integrity of life as not to occasion scandal, or if he takes sufficient means to preclude scandal, his furtive departure may be excused from blame, as it was excused in the case of certain saints in ancient times. Perversion of due order and imprudent flight are, nevertheless, no small signs that the impulse was not from the Holy Ghost. Those things which are from God proceed with order.

9

The question arises as to how it is that one Order may be judged to be more perfect than is another Order, so that a religious may lawfully pass to it. It arises inasmuch as all proper and perfect religious Orders—and it is of those alone that we are speaking —are one in *substantials*—that is, in profession of the three religious vows.

Looking to other matters, one Order may excel another Order in the practice of poverty—another in austerity as regards either habit or food—another in the length of time which is given to contemplation or to assistance in choir—another in the extent or in the perfection of obedience—and another in the greater excellence of the works of charity to which it devotes itself. Again, one religious Order may offer greater security of salvation or sanctification than does another Order. It may profess greater solitude and more complete separation from the society of men, and in this way

may afford fewer occasions of sin. Another Order may, however, seem to be more perfect in supplying more means or better means for attaining to excellence of sanctity. Again, it may happen that one Order is, so far as its Institute and Rule are concerned, more strict and more perfect than is another Order; and nevertheless a religious might, as matter of fact, better and more easily tend towards perfection in the apparently less perfect Order, because that Order observes its Institute in its integrity, while in the apparently stricter Order there exists an actual remissness of religious life. Finally, it might happen that a particular religious Order should be in itself and in all things more perfect, as regards both its Institute and its actual observance, and it might nevertheless be less well suited for a particular person as less likely to be a means towards his own individual growth in perfection.

In passing from one religious Order to another Order, all the conditions of the two extremes have to be considered in order to form a judgment. If all things else are equal, and if the one Order excels the other Order in austerity of life, then to pass to it is without doubt lawful, so far as the perfection of that Order is concerned. If, on the other hand, all things are not equal, then excellence is to be preferred in those matters which are of a higher kind and which are in themselves more well pleasing to God. That which is chiefly to be considered is the excellence of the end which is aimed at by the Order, since every approved Order must necessarily possess in it means which are proportioned towards its end. If two Orders are equal, so far as the end aimed at is concerned, the one which possesses more means, or better means, or means which are better proportioned to its end in virtue of its rule, is to be reckoned the more perfect Order.

Greater perfection is that which is primarily aimed at in religious profession, and there is no religious Order which does not afford sufficient moral security,

if a religious is really striving after diligent observance.

In estimating the perfection of a religious Order, *actual observance* is to be looked to rather than *primary institution.* Primary institution and a strict Rule matter but little, if practice is not in conformity with profession. The perfection of an Order is, therefore, to be measured by the state to which it has been reduced by custom, and not merely by the rigour of its Rule.

A religious Order may in three ways have been modified from its first institution. First, by leave of the Sovereign Pontiff, and so, as it were, by new institution, or at least by consent of the whole Order. If so, the case is clear.

Secondly, by custom alone, but with such prescription as really to remit the obligation of the primitive Rule. This case is the same as the preceding, supposing the custom to be universal.

In a third way the Rule may have come to be not observed, simply by abuse, and through an evil custom, such as will not excuse from sin either individual religious or the Order.

10

A religious can, by common law, pass to a more perfect Order without dispensation, but not without at least ASKING the leave of his Superior. To ask leave is not, however, of the substance of the act. The subsequent profession will be valid, if it is certain that it is made in a more perfect Order, although no leave has been asked.

A religious cannot pass to an Order of merely equal strictness, without leave not only asked but *obtained.* The Sovereign Pontiff can grant this leave to members of all Orders, as he is their Supreme Prelate. The Bishop, as he is the superior prelate of Orders which

are subject to him, can grant this leave. The Provincial, in Orders which are exempt from the jurisdiction of the Bishop, can also grant this leave.

Two things are included in this leave. There is a commutation of vows, and there is an alienation and *quasi*-amputation of a member from the religious body which is left.

A Bishop who has many monasteries of Nuns of different professions or Rules, but of equal perfection, subject to him, has not power to grant leave to a Nun to pass from one monastery to another, in order simply to satisfy the desire of the individual Nun, and without special cause, since this is an act of supreme power. It does not suffice that the Bishop is not depriving himself or his See of the subjection of the religious, since the Bishop's power over religious is given to him not for his own benefit, but for that of the monastery. His power does not therefore extend to an act which is in itself pernicious to the monastery, and which would in this case be done without lawful cause.

To pass to a religious Order which is less strict is not lawful without *dispensation*. It is in itself contrary to the vow of the religious, and to the covenant which, in his profession, was entered into by him with his Order.

It becomes lawful through lawful dispensation. The dispensation, by whomsoever it is given, requires a reasonable cause in order that it may be lawfully given.

A just cause may have regard either to the advantage of the individual religious solely—or to the advantage of the Order from which he is transferred—or to the advantage of the Order to which he passes. If there is a concurrence of advantages to all the three, there will be the most complete of causes. This might happen if, for instance, the religious would be useful to the Order to which he passes, while he is somewhat burdensome to the Order which he leaves. It might happen that he is of no use whatever for the ministries of that Order,

while he might be proficient in singing in choir, of which the other Order makes greater profession. There may also exist some solid ground for expectation that for the religious himself it may be more advantageous to be occupied in another kind of life, although it is in itself less austere or less perfect.

When there is not a concurrence of advantages to all of the three parties concerned, there is first, as a rule, to be considered the spiritual welfare of the religious himself. Whatever reason there is for prudent hope that this will be increased by a change will suffice as a just cause for dispensation, since it is the spiritual advantage of the individual which is primarily and proximately aimed at by the religious life. This advantage must be by way of relief of personal infirmity, either in body or in soul. The departure is sometimes expedient when experience has shown that, not from mere malice or depraved habit, but from an, as it were, innate condition of his nature, an individual has no aptitude for a particular state, or has an exceeding difficulty in the bearing of the burdens which it entails, and a difficulty which before profession he had not sufficiently realised.

The Sovereign Pontiff alone, of the plenitude of his power, could *compel* an Order to receive such a person. Ordinarily he does not use compulsion, nor would it be expedient without most grave cause.

II

A Privilege has been granted to the Society of Jesus that no one professed therein, or admitted thereto by the three substantial vows, can pass to any other Order, except that of the Carthusians, under pain of excommunication *ipso facto* to be incurred, both by those who so pass, and by those who receive them, on pretext of any Indult granted, or to be granted, even under colour of fruit in better life or more strict observance. This is contained in the Apostolic Letters of the Society,

in the last Bull of Paul III. and in the first Bull of Pius V., wherein he confirms a concession of Pius IV. Pius V. also *viva voce* so limited the exception of the Carthusians that departure to that Order can only be made once, and that, if the religious should not persevere in that Order up to profession, he must return to the Society and not again pass to the Carthusians without the consent of the Society. This limitation Gregory XIII. confirmed by a special Bull, and he declared it to be binding under the same censure as that which was imposed by his predecessors.

It is most certain that the Sovereign Pontiff has power to grant Privileges, so that it should be absolutely unlawful to pass to another Order without obtaining leave, even on the ground of greater perfection. It would be impious to say that such Indults are inequitable, or that they are granted without sufficient power. In a matter which is so grave, and which affects the salvation or perfection of souls, the Pontiff cannot err. Moreover, it is not one or two Pontiffs, but many, and those most learned and holy Pontiffs, who have, not once and again, but very often, of their certain and plenary power, and not merely with some probability accompanied with hesitation, granted similar Indults to many Orders.

When the Pontiff grants such an Indult to any Order, this implies that that Order is not inferior, as a means towards perfection, to any other Orders which he does not except. But even if it were manifest that another Order is more perfect, the Pontiff could justly prohibit a religious from passing to it without obtaining leave from his own Order. By insisting on such leave the ascent of a religious to a more perfect state is not hindered. It is only forbidden without mature counsel, and apart from a judgment of the Superior. However much more perfect another Order may be, a change to it might not be fitting in an individual case, and therefore judgment with regard to this may most becomingly

be reserved to a Superior. The difficulty thus placed in the way of passing to another Order may prove very conducive to the common good, in the stability of individual religious, and in the peace and union of the various Orders one with another. Even when passing to a more perfect Order is prevented, no one is absolutely hindered from the possibility of becoming always more and more perfect. In every Order there exist sufficient means for such progress, if a man will do all that lies in him, and will voluntarily add to his practice somewhat which in his state is not imposed by way of obligation.

By such a Privilege the Superior of an Order is not set free from obligation to give leave if his judgment should be in favour of leave. In forming his judgment he ought to be guided not by his own feeling and affection, for he might thus easily err and injure his religious subject, but by received opinions and common doctrine, or by the counsel of the wise. In order to give leave, the Superior must have come to the conclusion that to pass to a more perfect Order is expedient in this particular case, or is more for his subject's benefit. This is the view which he ought to take whenever there exist no reasons to persuade him to the contrary, besides the mere fact of the change. The disadvantage of changing is counterbalanced by the greater perfection of the Order to which his subject passes, when nothing else stands in the way. When there is a concurrence of circumstances or conditions in favour of leave, a Superior would be doing an injury to his subject by refusing him leave, and by compelling him to have recourse to the Sovereign Pontiff. The Pontiff himself could not in such a case lawfully refuse leave. The case is always excepted of a necessity for the common good. If the Superior of an Order were to refuse leave because he believed it to be very hurtful to his own Order, and if he were for this reason to remit his

subject to the Sovereign Pontiff, he would not commit sin. His so doing would in fact be one of the chief effects of his Privilege.

In this sense also a religious may himself rightly bind himself in his profession, and renounce his freedom to pass to a more perfect Order without fulfilling the condition of the consent either of his Superior or of the Sovereign Pontiff. Privileges are ordained not to hinder a vocation which is from the Holy Ghost, but to prove a vocation in order to its constancy. There is thus no contradiction between such a Privilege and that private law which the Holy Ghost imposes by His inspiration.

There is a twofold difference between the effects of Common Law and the effects of a Privilege. By common law a Superior might prudently refuse leave—not by reason of any doubt with regard to the greater perfection of the other Order, but by reason of the circumstances of the individual—either because he did not think him suited for the Institute of that other Order, or because he thought that he was moved not by a good spirit, but by some disturbance—and nevertheless his subject might pass to the other Order, having asked leave, although he had not obtained it. If it is manifest that the Order to which he goes is a more perfect Order, the asking of leave satisfies the law. The law requires the judgment of the Superior then only when there is doubt with regard to the greater strictness of the other Order. But when an Order possesses a Privilege, then, in a similar case, for a religious to pass to another Order will, in virtue of that Privilege, be unlawful, if his departure is against the will of his Superior.

Again, so far as Common Law is concerned, a Superior unduly refusing leave cannot bind his subject not to go. The subject can go on his own authority, and against the will of his Superior. In the case of a Privilege, on

the other hand, even supposing that a Superior unduly refuses leave, his subject cannot go on his own authority, but requires Pontifical authority in order to the lawfulness of his departure.

All religious who pass from their own Orders to any other Order, on whatever ground of greater perfection, in cases prohibited by Pontifical Indults, and without the leave required by such Indults, are truly apostates. Inasmuch as the second profession is not valid, the religious will be living outside the state and obedience of his own Order, with a mind to continue in this unlawful life. This constitutes the crime of apostasy.

12

A religious cannot carry away with him to the Order, to which he even lawfully goes, any of the goods which he had acquired in his former Order by any title whatsoever, whether by donation, or by his own industry, or in any other way. A benefit conferred by law is understood to be granted without prejudice to third parties. There is, moreover, another fundamental reason. A religious acquires nothing for himself, but all for his Order or his monastery. If, therefore, he should leave his monastery, he cannot deprive it, by his own authority, of its ownership of the goods which it has acquired through him. Similarly, the other monastery cannot accept those goods against the will of the owner of them. In either case there would be an offence against *justice*.

With regard to clothing, the religious can take with him whatever is necessary for actual use and the requirements of decency. He ought not to go naked, and he ought not to change the habit of his own Order, until he puts on the habit of another Order. Since he is still a religious of the first Order, he can lawfully have the use, necessary in the immediate present, of at least that which he needs to cover him. For the same reason he can for the present be supported from the goods of the

first Order ; and he is not to be compelled to beg, unless the Order itself professes mendicancy. He cannot, however, carry with him a change of garments, except with consent of the Superior whom he leaves ; since necessary use of those garments regards not the present but the future. The second Order is in strictness bound to return to the first Order the garments of the religious after he has been professed, for every religious has even his garments *on loan only* from his Order. This is, however, tempered by the urbanity and the interpretative consent of all Orders, which is sufficiently declared by custom. It would not be becoming to display in a matter so very small either bitterness of spirit towards the religious, or over-affection for temporal goods.

Nuns are, ordinarily, not received into their monasteries without dowries, and when by leave of the Apostolic See a Nun is transferred from one monastery to another, her dowry remains with the monastery which she leaves. In the case of Nuns most of all would departure to another monastery appear to be hindered by the fact of her dowry being retained. This hindrance is nevertheless not imputed to the monastery which the Nun has left. That monastery is not bound to dower its subject, in order that she may be received in another monastery.

If a religious should, by dispensation of the Sovereign Pontiff, return to the world free from any and every bond of his profession and vows, he cannot carry with him the goods which he had previously and absolutely bestowed upon his Order, without the consent of that Order, unless the Pontiff has specially granted this in his dispensation. Because a person who has been consecrated to God happens to return to the world, it does not follow that goods which have been consecrated to God should therefore be profaned or alienated, or that they should also, so to speak, return to the world. In a dispensation for the transference of the person there is not contained a dispensation for alienation of goods,

unless this is *specially* granted. A cause which suffices for the first transference will not always be sufficient for both.

Neither profession, nor the incapacity of the religious for ownership, is the foundation of the continuance of the monastery's ownership of goods which have once been absolutely given to it by the religious. Both form merely the occasion or the motive by reason of which such a donation was made, in the same way as if the donation had been made by the religious in an equally absolute manner to the poor, or to his own relations.

13

A religious, when he becomes a Bishop, does not thereby lose his *substantial* state as a religious. The vow of chastity is annexed to the episcopal state in itself, and apart from the religious state. In a priest who is also a religious the vow of chastity is twofold. By episcopal consecration this vow is not taken away, but is rather in a measure consecrated.

There is no contradiction between the existence of a vow of poverty and the episcopal state. That vow, therefore, remains in a religious who has been made a Bishop, so far as regards the vow and the substantial effect of the vow, although in the practice of poverty greater licence is given to a religious who is at the same time a Bishop.

A religious who is made a Bishop is not placed entirely outside his Rule. Although poverty is promised according to the Rule, it is afterwards of obligation chiefly from the vow, and not chiefly from the Rule. The Rule is only a condition or measure which determines certain limits in the matter of the vow. The promise concerns the matter itself. Even if, therefore, a Bishop were no longer bound by the Rule, he might, nevertheless, remain bound by the vow. Being, however, bound by the Rule also, a vow of poverty binds

one religious who is a Bishop more than it binds another religious who is a Bishop, or it binds him in another way, according to the character of the Rule in accordance with which he professed poverty. A religious of the Order of St Francis, for instance, if he is made a Bishop, will be bound to a more strict observance of poverty than would a religious of another Order. The religious state does not endure along with the episcopal state, so far as those things are concerned which are at variance with the episcopate; such as a *practice of poverty* as strict as is the ordinary practice of a simple religous. A religious who is a Bishop cannot acquire anything as if he were the owner of it. Apart from this, and as regards actual acceptance and retention, he can acquire in all ways in which a secular Bishop can acquire. The ownership of goods, moreover, he acquires *not to his monastery*, but to his *Church*. Independence from the discretion, will, and leave of another, with regard to lawful expenditure, is not at variance with the vow of poverty, for this independence is in a manner intrinsic to the episcopal state. The Superior who gave permission for entrance on that state thereby gave power to use goods in accordance with that state. This preserves the *substance* of poverty.

Although a religious who is a Bishop retains his substantial vow of obedience, yet he is not bound by reason of that vow to obey the Superior of his Order. He is bound only to obey the Sovereign Pontiff, as the Pontiff is Supreme Prelate of every religious Order. The substance of the vow of obedience is thus preserved; as it is in the case of the General of an Order, who is not subject to any Superior of that Order. To obey the Pontiff as Supreme Prelate of his Order is not at variance with, but is in the highest way in accordance with a religious bishop's religious state. Since, however, the vow of religious obedience is not without its limits, but is *according to the Rule*, a religious bishop is

not bound, in virtue of his vow, and by the *special* bond of religion, to obey the Sovereign Pontiff in all matters, but in those matters only which directly or indirectly belong to his religious Rule.

A religious who is a Bishop is bound to wear the religious habit of his Order. This is an obligation not only of Rule but of Common Law.

A Bishop is, strictly speaking, no longer a member of his religious community, but it does not follow that he does not remain a religious of his own Order rather than of any other Order. In substantials and in habit he always remains a religious of the same species. If he were deprived by the Pontiff of his episcopal office and exemption, he would at once be subject to his own Order, and not to any other Order. This suffices to his retaining a religious state of the same character, even when he is not actually subject either to the Superiors or to the laws of his particular Order.

That which is true of religious who are Bishops is true also of religious who are Cardinals, and with still greater reason. Not only does a religious Cardinal remain always a religious, but, unless he is a Bishop, he is not constituted in the state of perfection as a Bishop is. He is not so constituted in virtue of his elevation to the Cardinalitial dignity. He retains the bond of the vow of poverty. He is incapable of ownership. Without dispensation he cannot make a testament. With regard to actual obedience, it is clear that he is subject immediately to the Roman Pontiff alone. The religious *bond* of obedience, however, he retains.

A Cardinal is, equally with a Bishop, separated by means of his dignity from the body of his Order. He ought, however, to wear the habit of his Order, in accordance with the practice of the Church. From this obligation it is only a religious who has become Sovereign Pontiff who is set free. Even he does not lose the *substance* of the religious state.

CHAPTER XII

VARIETY OF RELIGIOUS LIFE WITHIN THE RELIGIOUS STATE

It is a truth of the Catholic faith that the variety of religious Orders belongs to the adornment and welfare of the Church, and to the greater glory of God. This truth is certain as of faith. If confirmation were needed, we have it in the examples of Saints who have instituted various Orders—in the common consent of the Church—and in the authority of Pontiffs who have approved those Orders. We have also the testimony of Gregory XIII., who in his Constitution of Confirmation of the Society of Jesus, says—Since the Divine Providence has, in accordance with the necessities of the times, produced in the Church various and salutary Institutes of religious Orders, and for new diseases has as these arose provided new remedies, and for fresh assaults of the enemy has as these occurred raised up new auxiliaries of regular Orders, and to each of them, according to the vocation of the particular grace of each, has suggested certain special notes, particular characteristics, and means which are adapted towards that end at which each aims, it is clear that the variety of religious Orders has been introduced by the Divine Providence, and is both fitting and of service to the Church.

It may be laid down as a first principle that all religious Orders are necessarily one in the *substantials* of the religious state. These substantials consist in two things — namely, in aiming at perfection of charity

towards God, and consequently at perfection of charity towards one's neighbour—and in renunciation of the world by means of the three substantial vows, and the donation and delivery of oneself which is confirmed by those vows by which a man consecrates himself wholly to the Divine service.

St Thomas says that in two ways only can a difference exist between religious Orders—namely, as regards the proper *end* of them, and as regards the exercises and *means* by which they severally aim at that end.

It is true that all the particular *ends* of the various religious Orders are themselves also *means*, if we are comparing them with the general perfection of charity which is *the one end* of the religious state. They are, nevertheless, proper *ends*, inasmuch as they are things which are good in themselves, and which are therefore proximately sought for their own sake. Those means may also be called *ends*, inasmuch as they are, as it were, certain formal exercises of charity itself. As such they are aimed at as at ENDS; although, regarded absolutely and in comparison with perfection of charity, they may be called *means*. Charity, considered in itself, has many functions in which it is exercised, and by means of which it is proximately increased. Those functions are so diverse that all and every one of them cannot be primarily aimed at by every individual religious Order. Some Orders have in view the contemplation of God. Other Orders labour for the benefit of their neighbours. Among the latter again there exists great variety.

In order to the attainment and to the exercise of its own proper end, every Order makes use of its own proper observances, such as prayers, fastings, manual work, and the like. These observances are called its own proper MEANS, since they are referred immediately to its own proper end, and, through the intervention of that end, to the general end of all religious life, which is perfection of charity.

It sometimes happens that two religious Orders have been instituted with the same *proximate end*, and those two, nevertheless, make use of *different observances* as means towards that end. In this case, the two Orders are said to be differenced by their *means*, and not by their *end*.

Those Orders are more distinct, the one from the other, which are differenced by reason of their respective *ends*, than are those which are differenced only by the *means* which they respectively employ towards the same proximate end. The widest distinction of all exists when there is a difference both in *end* and in *means* or exercises, and especially when in the vows themselves, and in the mode of observance of the vows, there exists diversity. Since it is in the vows that the substance of religion consists, this diversity most nearly approaches a *substantial* diversity.

Within the limits of the same Order there may exist so great a variety that there should appear to be several Orders, as among the Friars Minor. This is chiefly the case when religious of the same Order are subject to different Generals. They are then, as it were, distinct armies, under different leaders, with different ensigns, and sometimes with different weapons, although in the end of all of them and otherwise there is in reality the greatest agreement.

Oneness of head, or unity of members under one supreme head who is of the same Order, conduces to *corporate* oneness. This is not necessary, however, to oneness in itself, if there is oneness of Rule, along with oneness of origin. The Order is then spoken of as one, not only colloquially but in law. Thus, for instance, all Nuns who profess the Rule of St Clare are reckoned to belong to the same Order, although some monasteries of those Nuns may be subject to the local Bishop, while some others are subject to a religious Prelate. There exists, however, it cannot

be denied, a greater oneness, when all the religious of the same Order have not only the same Rule but the same Prelate, since a body-politic, such as a religious Order is, takes its oneness from the oneness of its head.

Oneness of religious habit also belongs to the oneness of a religious Order. Although the religious habit is not of the substance of religion, it is, nevertheless, a sign of a particular profession of religion. Oneness of habit is not so necessary that within the limits of the same Order no diversity of habit can be permitted to exist. Sometimes the Rule determines the pattern and the material, but not the colour of the habit. Variety of habit, however, can never be so great within the same Order that some oneness or similarity of habit should not be preserved to indicate the oneness of the Order; as in the case of the Observantines, Conventuals, and Capuchins in the Order of St Francis; in the case also of the two families of the Trinitarians, and much more in the case of the Order of Canons Regular.

The Society of Jesus has no peculiar religious habit. It admits as much variety as does the secular clerical habit in different countries, observing only this oneness, that everywhere the dress should be such as is respectable and not unbefitting the religious state.

The variety of religious Orders has been designed and introduced in the Church, as very advantageous thereto, by disposition of the Divine Providence, and through direction of the Holy Ghost. The religious state is presented to men as a most useful means towards the acquiring of perfection, but, morally speaking, one religious Institute and manner of life would not be adapted for all men, by reason of the variety of temperaments and dispositions among men. It is, therefore, of utmost advantage that there should exist certain religious Orders which are ordained for the quiet and leisure

of contemplation, and that other Orders should exist which are ordained for active work, and others again for a mixture of the two, so that all concerned may have an opportunity of choosing that Order which is most for their own individual benefit. So also as regards other differences. Some men find pleasure and satisfaction in certain actions and exercises rather than in others. Some men have an inclination towards solitary life, and some towards a social life. Some men are more fitted for bodily labour and corporal austerities, while some are more fitted for study and spiritual exercises. By means of a variety of religious Orders the wants of all are provided for.

Another reason for a variety of religious Orders is because they are, of the intention of the Holy Ghost, instituted not only for the benefit of the members who compose them, but also for the service of their neighbours, and for the general good of the whole Church. In accordance, therefore, with the variety of ministries by which it may be possible for them to serve the Church, will be the variety of religious Orders.

2

Many ancient and most perfect monks professed the solitary life in religion. Of these St John the Baptist is called the Prince and Leader, under the law of grace. Before it, and under the old law, Elias is held to have originated that state. Of the solitary life Christ Himself willed to give an example, when He retired to the desert for forty days, to give Himself to fasting and to contemplation.

Among the Fathers the distinction of monks into *cenobites* and *anchorites* was a common one. Anchorites were again sometimes distinguished from eremites. An *eremite* was understood to be a man who had from the outset professed the solitary life. An *anchorite* was a man who, after having acquired perfection in

the cenobitic life, separated himself therefrom, and betook himself to solitude.

The *cenobitic* life is that life which is led in a religious congregation, or community, of whatever Order it may be. The cenobitic life is also called the *common* life, or the *social* life.

That this mode of common life is most excellently adapted for the religious state is evident from the usage of the Church, in which this mode of religious life has so prevailed in practice as to be in our day almost the only mode of religious life which is actually led. Its excellence is evident also in its manifest fitness for the observance of all the substantial vows of the religious state, and for the practice of all the counsels and of all virtues.

To cenobites there most rightly belongs the name of *Monk*. Although the word *Monk* is derived from oneness, and a monk is so called as being a man who is, as it were, one and alone, yet, as St Augustine says —monks so live in unity as to make but one man, and they so live that it should be true of them that while there are many bodies, there is but one heart and one soul.

3

A religious Order could not possibly be instituted for the purpose of fighting in any *merely just* war. War, however just it may be, cannot possibly form an *end* of the religious state. Although war may have in it a certain moral goodness inasmuch as it is just, it is not an act of divine worship, it is not a work of piety, and it does not of itself contribute to the perfection of the soul. War is in itself, on the contrary, exposed to many perils, which, unless counterbalanced by some end which belongs to religion and to the common good, would prevent a life of warfare from being chosen by a man who had at heart the attainment of perfection.

Religious warfare, on the other hand—that is to say, the waging of war in defence of the Catholic Faith, of the Catholic Church, and of the innocent, is a fitting end for which it is possible that a religious Order should be instituted, with this as its proper scope and aim. This is the judgment of St Thomas, and his judgment is confirmed by the practice of the Church. Military Orders, recognised and approved as religious Orders, have for many ages existed in the Church, in fact, from the time of Urban II.

The vow of chastity is most excellently adapted to the end of a military Order. The obligations of a husband and father and the burdens of matrimony stand greatly in the way of freedom to expose one's life to the perils of war without solicitude for wife or children. Supposing celibacy, consecration of chastity to God by vow is itself most well-pleasing to God, and it avails to obtain from Him the protection which is so specially necessary in so perilous a life.

The same or similar advantages are to be found in a vow of poverty. In order that a man may truly and from his heart consecrate himself to military service for the sake of God, and seek therein no temporal gain, there cannot be any better disposition than that of his renouncing all temporal things, and laying aside all affection for them. Otherwise there might often be great danger of his fighting rather in order to the increase of his fortune than for the sake of his Maker.

Obedience, even apart from all question of religion, is of itself most necessary in warfare. Without obedience neither due order, nor exact execution, nor prudent allotment of posts could be effected. On these, success in battle and the happy issue of a campaign in great measure depend. If therefore a warfare is religious and is undertaken solely for God, it very greatly conduces to the perfection of it that obedience should be consecrated to God by vow. Superiors will then have it in their power to give their orders with a freer con-

fidence, and subjects will with greater reverence and reverent promptitude at once obey.

The donation and delivery of oneself to the Order, which is made in religious profession, is in special accordance with the religious state in a military Order. Such delivery is a preparation for perfect obedience, and, at the same time, for poverty and the stripping oneself of all things. He who so delivers himself denies himself, and in a manner abandons himself. He who professes religious warfare places not only his actions, but his life itself in the hands of his Superior. He thus delivers himself in the most perfect manner which is possible, and therefore in a manner which best becomes the religious state.

4

The life of a Christian man is partly contemplative, and it is at the same time partly active. By *contemplation* we mean not speculation with regard to truths in general or with regard to all kinds of truths, but contemplation of those truths which concern God and the knowledge of God. Even with regard to those truths we do not mean by contemplation arid and barren speculation, which bears no fruit in the will, and which does not in any way contribute towards the uprightness of the will. We mean by contemplation that kind of speculation which so raises the mind to the knowledge of God as to unite the whole soul to God. By *action* we mean external works and occupations which have regard not to any and to every secular affair, but to the practice of virtue, and especially of the virtue of mercy, which aims at relieving the miseries, whether corporal or spiritual, of our neighbours.

There are in men two kinds of operations of grace and sanctity, in which the supernatural life consists. One of these operations belongs to internal consideration. The other belongs to external operation. Since each of these kinds of operation forms a life, there

is rightly said to be a twofold spiritual life. One spiritual life is fittingly called the *contemplative* life. The other is called the *active* life. This division is of faith.

The distinction between the contemplative life and the active life is not to be understood as if the active life excluded all contemplation, and as if the contemplative life excluded all action. Each of the two lives is named from that which in each is principally aimed at, and which in each is predominant. By *predominant* we mean not that which occupies the largest part of one's lifetime or the longest portion of one's day, but that which is the END for which all things else in that life are done, and to which all things else in the leading of that life are subordinated.

An institute of life, therefore, which of itself primarily and principally has regard to works of mercy, or similar works, as to its proper end and scope—although it may include some amount of prayer and consideration in order that those works should be holily transacted, and done with a general view to the divine service,—is, by reason of its *end*, called an *active* life. When, on the other hand, perfection of contemplation is that which is principally aimed at, and action and mortification of the body are ordained as means towards that end, and as ministering to contemplation—the life is properly a *contemplative* life.

Both kinds of life are adapted for the acquiring of perfection. Both are calculated for the perfecting of charity. So far as is in them, both exclude all sins. In those two things the substance of perfection consists. Both lives, therefore, are meet to be embraced as states of tending towards perfection, and as states to be consecrated by means of religious vows.

Hence we find certain monastic Orders, which are principally ordained for contemplation solely. If these contemplative Orders share in action, it is simply in

order to the individual perfection of the members of them, or it is accidental to their state. We find, on the other hand, Orders which have been instituted chiefly for the exercise of acts of mercy towards their neighbours.

Although both contemplative and active Orders are at one in their general end —which is that of their own perfection, and of the divine service—they have nevertheless different and proper proximate *ends*. It follows that these orders must necessarily differ in the principal *means* which they respectively employ towards their proper proximate ends; while they have in common certain general means, such as the three substantial vows, some castigation of the body, prayer, and similar exercises. These Orders will necessarily differ, for instance, as regards intercourse with their neighbours, on the one hand, or separation from their neighbours, on the other, as regards going from place to place or remaining always within the cloister, as regards choir or study, and as regards other similar matters.

The division of religious Orders into the *contemplative* and the *active*, while it is an excellent division, is nevertheless not entirely adequate. There is therefore to be added, for the sake of clearness, to this division a third member—namely, that of Orders the life of which is *mixed*. The mixed religious life consists partly of contemplation and partly of action. These two—contemplation and action—are not contradictory, so that they cannot *both* be *principally aimed at* at the same time, and that with great perfection.

That mode of active life which not only does not exclude contemplation, but requires contemplation as its own sister-german, or which rather in a manner intrinsically includes contemplation, inasmuch as it demands great internal consideration in him who gives himself to spiritual ministrations in aid of souls, whether by preaching, hearing confessions, private conversations, or the like, may rightly be distinguished as—a *mixed* life.

Preaching is contemplation given voice to by external action. It raises not only the mind of the preacher, but the minds of others up to God. It supposes, in order to its being rightly exercised, lengthened prayer and meditation on the truths to be uttered. This again must be preceded by reading, which also belongs to contemplative life. Reading, as St Thomas says, is, as it were, the first beginning of the raising up of the mind to God. By means of reading we learn and receive that which by meditation we preserve and digest, and so by degrees the soul is inflamed towards God. Reading is, to quote St Bernard, the first of the four steps of the cloister-stair. These are reading, meditation, prayer, and contemplation. Although the last, as the most perfect, gives its name to contemplation, strictly so called, the contemplative life nevertheless embraces all the four. Reading seeks, as says the same St Bernard, meditation finds, prayer begs, and contemplation relishes. He adds—Reading without meditation is arid; meditation without reading is exposed to error; prayer without meditation is tepid; meditation without prayer is unfruitful; prayer with the devotion of contemplation is acquisitive; while the attainment of contemplation without prayer is either rare or miraculous. As these exercises therefore are connected one with another, so the contemplative state, as such, comprehends all of them by ways of beginning, middle, aud end.

A religious Order which embraces both contemplation and action may aim at both as at its END. This is specially true if it is one of those Orders which are ordained for that part of the active life which consists in spiritual ministries to others. We do not say that both lives—the contemplative and the active—are aimed at *only* inasmuch as they are *ends*. It cannot be denied that the contemplative life is, in such an Order, ordained as a *means* towards action. Study, reading, and medita-

tion have reference very frequently to the service of others. Prayer itself and union with God may be most rightly desired and procured for the sake of the service of others as its *end*; since the greater a man's union is with God, the more does that man become an apt instrument of God for the succour of souls. Nevertheless contemplation ought itself to be that which is also *principally* aimed at even in such an Order. Contemplation is not merely a *means*. It is itself most desirable *for its own sake*. Moreover, in the *mixed* life it is one's own perfection which is aimed at *more* even than is the perfection of one's neighbours, and one's own perfection consists chiefly in contemplation, and is attained to thereby. A religious of an Order which lives the *mixed* life not only employs the contemplation which is necessary for him in order to the aiding of his neighbour, but also enjoys that which is profitable for himself. Hence, in order that he may rightly fulfil his function, whenever it is not necessary that he should be occupied with his neighbour, he will apply himself to contemplation, or to some act of the contemplative life, not for the sake of action but because "love of the truth delights in holy leisure."

It is certain that the *purely active* life is to be placed in the lowest grade, as being less perfect in comparison with either the *contemplative* life or the *mixed* life.

St Thomas holds that an Order which, in virtue of its Institute, professes the contemplative life, and at the same time descends to spiritual ministries for the benefit of others, is to be preferred both in perfection and in dignity to an Order which is *purely* or merely contemplative. The MIXED life includes the whole of the perfection of the contemplative life, and it in no way diminishes it. It rather adds somewhat to the purely contemplative life, and therefore absolutely the *mixed life* is the more perfect of the two. We are supposing that in a mixed life the contemplative life is really

arrived at and exercised. Otherwise that life would not be really a *mixed* life.

If actual contemplation of God is, as it must be, sometimes to be interrupted, in no better and in no more fruitful manner can it be interrupted than by actions of charity towards one's neighbours, and especially by spiritual ministries for their benefit. These ministries are of far greater merit than are all other acts whatsoever outside the formal love of God. Hence, even if, by occasion of such ministries, the interruption and occupation of time should be somewhat greater than would ordinarily be caused by private actions of other kinds, yet this is counterbalanced and compensated by the far greater excellence of those ministries.

Ministries for the salvation of our neighbours are external acts not only of the love of our neighbours, but also and at the same time of our love of God. These ministries are, therefore, of their own nature more meritorious than is purely internal contemplation. By such spiritual ministries the glory and honour of God are not remotely but directly and proximately sought, as His glory and honour exist in those who glorify and honour Him. The processes of enlightening and conversion by men of their fellow-men are, therefore, truly and properly external acts of friendship and love of God. Morally speaking, the more efficacious the love of God is, the better and the more meritorious that love is. The love which does not confine itself to internal acts but issues in external effects, and these of the most perfect kind, is the most efficacious of all kinds of love.

Our love of God is by the extension of it to our neighbours perfected in itself. The love of our neighbours, says St Thomas, for the sake of God, is more perfect than is the love of God alone. The love of our neighbour includes the love of God Himself, and it adds thereto a love of God for the service of the same God, and for the fulfilment of His will. St Thomas reminds us, by way of example, that it is a sign of greater love

for a man to serve other men also, for his friend's sake, than for him to be willing to serve his friend alone.

When the mind of a purely contemplative religious descends to compassion for his neighbour, and so to praying for him, it does not fall from the most excellent way of exercising or perfecting charity. It does not thereby withdraw from the perfect love of God, but it in a manner widens and extends that love. The man also who for the same motive descends to action is in no way hindered from the perfection of charity. He is rather promoted therein.

Most excellent is the aid of prayer, but it is not sufficient. It is necessary to add to prayer labour. God has decreed to work out the salvation of men, not by Himself alone, but by means of men. There must, therefore, be not only those who pray to God, but those also who co-operate or work with God. This co-operation is, all things else being equal, more perfect, because it makes a man more like to God, while it does not exclude assistance by means of prayer.

A contemplative Order is, of the nature of it, the most safe and *secure*, the life in it being separated from external actions which concern one's neighbours, and from their society and conversation. Hence the practice of the Sovereign Pontiffs which permits departure from other religious Orders, even of the mixed life, and however perfect the Orders may be, to the Carthusian Order, which is a purely contemplative Order.

Nevertheless it remains true that a *mixed* Order, which along with contemplation aims at spiritual action for the salvation of others, is of its own nature better and more *perfect*. The reasons are, because in the *mixed* life there are more occasions for the exercise of, along with charity, the most excellent of other virtues, and of a great number of these. There is in the mixed life every means for attaining to greater knowledge of God, and every opportunity for exercising charity towards God in the highest manner, while at the same time there

are more frequent occasions for the endurance of labours or suffering for God. Along with these advantages there is also found in the mixed life sufficient provision for avoidance of spiritual perils. Although the mixed life does not remove all remote occasions of sin, it nevertheless provides means against even the ordinary occasions of men's lesser faults.

In comparing religious Orders, as regards the perfection of them, we have to look not only to the perfection of the END of a particular Order, but also to the perfection of the *means* provided and used in order to that end. Even if the end proposed by an Order should be very perfect, but the means provided are not in proportion and adapted to the exact and perfect attainment of that end, the state may, by reason of this disproportion, be less perfect than is a state which sets before it a less perfect end.

In these *means* towards the end of perfection we may distinguish two kinds of excellence. There is the excellence which means may have as they are acts of certain virtues, such as temperance, penance, or the like. There is another excellence which means may have simply as they are *means* in order to the attainment of a special end. This may be called their *utility* or usefulness. Supposing, therefore, the greater perfection of some particular end, the greater perfection of a means is to be looked for in this last perfection—its *utility* in conducing or aiding towards the end in question.

Poverty is a means which is most excellently adapted towards perfection, but within the limits of poverty a greater measure of poverty may be better for one end, while it may be less good for another end. If the end aimed at is more perfect, and a less degree of poverty would be more useful for the attainment of that end, this less degree would in that case absolutely contribute more towards greater perfection.

In the same way, austerity of life is an excellent means

towards perfection, by reason both of its own intrinsic value, and of its utility for extrinsic ends. While greater austerity, however, may be more useful for one end, a modified austerity might be more useful for another end. If therefore the end which is aimed at should be the more perfect of the two, then that measure of austerity would be absolutely the best which is most adapted towards attainment of that end.

Universally speaking, if two religious Orders are equal in all things as regards the respective *ends* of them, and as regards the utility and proportion with those ends of the *means* which they respectively employ, that Order will be the most perfect of the two which observes the greatest austerity of life, or which employs means which, while equally useful *as means*, are at the same time better *in themselves* as they are themselves acts of virtue.

There are three terms, the ideas of which must be distinguished one from the other—austerity—penance—and strictness of Rule.

Austerity signifies a special roughness in the external, ordinary and common treatment of the body, as, for instance, with regard to *food*, by abstinence from flesh, or even from other meats, or by diminution of quantity, or by more frequent fasting—with regard to *clothing*, by disuse of linen, or by coarseness of habit, or by going barefooted—with regard to *repose*, by hardness of bed, or roughness of covering, or by sleeping on the ground.

Penance is more extensive than is austerity. Penance includes secret and hidden actions, such as private disciplines, use of hair-shirts, very prolonged watchings, extraordinary toil for pious causes, and private macerations of the body.

Strictness of Rule does not consist in those things merely, or even principally. Although a strict Rule does not overlook sufficient austerity and penance, its strictness consists principally in a rigid observance of

the three vows, and of all observances which may be reduced to those vows, as means which are of themselves necessary in order to a perfect observance of those vows, or to bearing the fruits which may be expected from them.

5

The religious state may be rightly divided into the *clerical* and the *monastic* states. So distinct is the clerical state from the monastic state that of old monks were, as a rule, not admitted, except for some special cause, to clerical ordination and functions. A religious body of clerics is, of its kind, more perfect than is a religious body of monks. This is what is meant by St Jerome, when he says—"So live in the monastery, that you may become worthy to be a cleric."

There has always existed in the Church of Christ a religious state which was of itself, and of its own proper institute—*clerical*—that is to say, constituted by the three counsels and vows of perfection, and at the same time destined for the ministries which are proper to clerics, whether in the divine worship, or in procuring also the salvation of souls.

Such was the state of the Apostles. The Apostles made the three substantial vows of religion, not in order to an eremitic or to a monastic life, but in order to a clerical and apostolic life. To profess this life they were called by Christ. Hence we may rightly say that the first religious Order of clerics was instituted, constituted, and approved by Christ Himself. It is sufficiently probable that this Order of religious clerics did not perish with the Apostles, but was preserved in a continuous series of their successors and disciples. This Pope Urban signifies, when he says that the common life flourished amongst Christians up to his time, especially amongst those who were "chosen to the lot of the Lord"—that is, amongst clerics. Clement I. says

that common life is specially necessary for those who desire to wage war for God without blame, and who have the wish to imitate the life of the Apostles and of their disciples. We read in the life of St Augustine, that when he was made a priest, he instituted a monastery within his church, and that he lived therein with the servants of God according to the manner and Rule which was constituted by the holy Apostles. Many of the learned therefore suppose that the Order of Regular Clerics or Canons Regular was not first instituted by St Augustine. It was either reformed by him, or introduced by him into Africa, and furnished with a special Rule. Pius IV. maintains that the Order of Regular Clerics was instituted by the Apostles. Benedict XII. confirms this in his preface to the Constitutions of the Canons Regular. There is no question as regards the continuance of this particular religious state from the time of St Augustine down to the present day, although with great variety, so far as various Institutes of it are concerned.

The first difference between those two religious states —the clerical and the monastic—is this, that an Order of clerics is in itself ordained for divine ministries. An Order of monks is not so ordained, of its primary end. From this difference in the *end*, there follows a second difference in the *means*. The monastic state, since it does not in itself require the clericate and the actions which are proper thereto, so neither does it demand those studies which are necessary for the right discharge of clerical functions, and of which regular clerics stand in need no less than do secular priests. Hence arises a third difference—namely, in *habit*. Religious who, in virtue of their Institute, profess the clerical office, should in some way retain an appearance of the clerical habit, while monks wear the habit or cowl which is peculiar to them, and which is common to all monks. From the same source springs also a fourth difference. The life

of monks ought, of its very nature, to be more austere than is the life of regulars as clerics, in all that pertains to treatment of the body, such as food, clothing, and sleeping, along with other austerities.

As regards antiquity, the two religious states—of monks and of regular clerics—seem to be about equal. Traces of both states are found in the beginning of the Church. If there is any preference, it must be given to the regular clerics. It is more certain that the Apostolic college was a religious community than it is certain that monasticism began during the lifetime of the Apostles.

6

The purely *monastic* and the *mendicant* religious Orders are primarily and principally distinguished one from the other by reason of the distinct ends at which they severally aim. The monastic state, taken strictly, is contemplative, as we find it in the Carthusians, the Benedictines, the Cistercians, the Camaldulese, and others. These, as having preserved the *monastic* state pure and simple, have retained autonomastically the name of *Monks*.

Mendicant religious profess the state of the *mixed* life, which consists partly of contemplation and partly of spiritual ministries for the benefit of their neighbours, as in the case of the Friars Preachers, the Friars Minor, the Eremites of St Augustine, and the Carmelites, to whom this name was first given. In choir and in the divine office these Mendicants give themselves to contemplation, while in preaching, teaching, and administration of the sacraments they have their share in action.

A second and more special difference between Monks and Mendicants is this, that Monks profess individual poverty, along with possession of real property by them as they constitute communities ; while Mendicants, in virtue of their Institutes, embrace poverty not only as individuals but as communities. Both professions of

poverty are adapted to the proper ends of the two states respectively.

Monks, since they lead a sequestered life within their cloisters, cannot fitly in accordance with their Institute live by begging. Moreover, since Monks, as such, do not minister to their neighbours, they have not so manifest a reason or so good a title for demanding support at the hands of their neighbours, and so rightly Monks do not profess poverty as they form communities. For these reasons the Monks, during the time when for the most part they were laymen, and so long as they had no fixed possessions or revenues for their support, lived rather by the labour of their hands than on alms. This they did not because it was not lawful for them to beg, but because begging was not so clearly in accordance with the state of life which they professed.

Mendicants, on the other hand, inasmuch as they minister in spiritual matters to their neighbours, may rightly live on their neighbours' alms. Since they live in the midst of their neighbours and, as far as may be necessary, associate with them, it is sufficiently in accordance with the end of their Institute that they should beg from their neighbours.

The Mendicants may be subdivided into those whose Institutes do not allow any ownership of goods, whether immovable, or movable, or self-moving goods, either as communities or as individuals; and those who, although their Institutes do not allow possession of real property or revenues, may nevertheless as communities possess movable goods. The first degree of poverty or mendicancy is professed by the Friars Minor. They may be said to hold the primacy among Mendicants, since they profess the greatest extreme of poverty with regard to ownership of goods.

There are four principal and more ancient Mendicant

Orders—namely, the Friars Preachers, the Friars Minor, the Eremites of St Augustine, and the Carmelites. Others, however, have been added to their number from among the monastic Orders, such as, for instance, the Servites, and the Minims of St Francis de Paula, whom Pius V. declared to be Mendicants. Among the Orders of Clerks Regular, he declared the Society of Jesus to be a Mendicant Order. The Society did not then begin to be Mendicant when it received this favour from Pius V. It began to be a Mendicant Order when it was first approved in its Institute and primitive Rule by Paul III. The Society is one of the Mendicant Orders, not because Pius V. declared it to be a Mendicant Order; but he declared it to be a Mendicant Order because it was already a Mendicant Order. He declared it at the same time to be worthy of having granted to it all the Privileges of the Mendicants which had already in great part been granted to it, and the grant of which he completed.

7

The state of Clerks Regular may be divided into the state of those who are religious absolutely, and the state of those who are only partially religious.

A Congregation of Clerics who merely live together after the manner of Regulars is not properly a religious Order; and this by reason of the absence of vows. In the case of such Clerics, those things which are done by religious in virtue of their vows are done by them in virtue only of a social obligation—or in virtue of a covenant as between men—or in virtue of private statutes which have emanated from themselves. Even if in such communities vows are made, they do not include an obligation of permanence in the same condition of life. They suppose liberty to leave it, and they bind only under condition, and so long as the members choose to persevere. Such clerics are not Regulars, although they more nearly approach religion

than do those who make no vows; for, so long as they persevere, and are members of such a Congregation, they are bound by vow to observe poverty, chastity, and obedience.

True and proper religious Orders of clerics may be divided into Orders of Canons, and Orders of simple Clerks.

Looking to the origin and first use of the word CANON, it appears to have signified in the beginning simply a cleric who was living under rule, and observing common life, after the manner of the Apostles, along with other clerics in an ecclesiastical college or community. The Greek word *Canon* signifies a *Rule*, and so clerics who followed a regular life, or a life *under Rule*, came to be called Canons. In the beginning of the Church all the faithful, or at least all the clergy, professed common life. In process of time, however, many even of the clergy, abandoning common life, began to live as private persons, and to possess property of their own. It was then that those of the clergy who retained their former state were, to distinguish them from the others, called *Canons*. Those Canons seem to have been kept by the Bishops in immediate attendance on themselves, and to have been employed by them in the more principal ministries, and as counsellors. They had also places of greater dignity allotted to them in the assemblies of the clergy.

Afterwards, however, the Canons themselves began to forsake common life, and to divide the canonries and prebends among themselves, still retaining, however, the name of Canons. Thus it came to pass that those of the Canons who persevered in religious and common life were called Canons *Regular*. A *Canonry* is a spiritual right, by reason of which a Canon has assigned to him a stall in the choir of a particular church, and a place in the Chapter of the clergy of that church. When Canons are religious, their religious character is signified by their name of Canons *Regular*.

Hence even a Canon who is a regular retains the office and spiritual right of a Canon, for this is not subversive of the *substantials* of the religious state.

Just as among seculars there are clerics who are not Canons, so among regulars there are religious clerics who are not Canons, since, although they are both clerics and religious, they do not possess canonries. Those only are called Canons Regular who are attached to either a cathedral or a collegiate church. Other religious clerics whose church is neither one nor the other, but either is parochial or is merely a church, are not Canons Regular. They are simply Regular Clerks.

8

Our last general division of religious Orders may be into Orders of men, and Orders of women. Both Orders have place in the Church, and some differences exist between the two.

It is certain that from the beginning of the Church there were women, both virgins and widows, who were consecrated to God by a vow of continence. It is also certain that it was a most ancient custom to congregate women, who had been consecrated to God, and who followed the way of perfection, in separate houses or monasteries.

What the institute of life and profession of women who were dedicated to God was in the beginning, is uncertain. It is uncertain whether it was in a proper religious state, or whether it included only a vow of chastity. It is also uncertain whether the religious state was always entered on by women in monasteries and convents, or whether it was sometimes practised in private houses. Further, it is uncertain what habit they wore, and what was their manner of life. It is most likely that there were various modifications of the religious state in the case of women, not only at different times and in different places, but also at the same time

and in the same place, as is the case in the Church at the present day. Innocent II. at length ordained that Nuns should live only in convents and monasteries or communities. In the early times, when the Church had but little peace and security on account of the persecutions and tyrannies of heathen princes, monasteries of women could not be established in any number. As soon as the establishment of them became possible, the custom spread and became universal, and received the approbation of Pontiffs and of Councils.

Monasteries of women were ordinarily, and almost from the beginning, annexed and subordinated to monasteries of men. The government of them was committed to the Monks of their Order, but with dependence on the Bishop. The Monk who was placed by his Abbot over a monastery of Nuns had to be approved by the judgment of the Bishop.

As the accessory follows the nature of the principal, so do Orders of religious women follow on the lines of Orders of religious men, and differ or vary with them. This subject, therefore, needs no special treatment, except with regard to those matters only which are proper to Nuns, by reason of their sex, or other matters which have been specially ordained by law.

As regards the end of a religious Order there is, of course, a greater diversity among men than there is among women. Among women, for instance, the division of religious Orders into Orders of laymen and Orders of clerics has no place. All Orders of women, therefore, follow rather on the lines of the Orders of laymen.

Further, the *mixed* life—which consists partly of contemplation and partly of spiritual ministries for the salvation of one's neighbours — does not belong to religious women. Not only are women incapable of Sacred Orders but, according to the Apostle, the office of teaching does not in itself belong to them. As a rule,

therefore, Orders of Nuns profess the contemplative and monastic life. Their life of action is ordinarily confined to labour. This is also common to Monks, and especially to contemplatives, as morally necessary in order to sufficiency of bodily exercise. An active life in the practice of works of corporal mercy is not so suited to an Order of women that they should set it before them as their proper end and scope. Although it is true that such works may be most fitly done by women, as St Paul says to Timothy—"Let a widow be chosen, having a testimony of her good works, if she have educated children, if she have exercised hospitality, if she have washed the saints' feet, if she have ministered to them that suffer tribulation, if she have diligently followed every good work" (1 *Tim.* v. 9-10), yet, since such works cannot be done by Nuns for their neighbours without departure from the cloister, which is, as a rule, not expedient for religious women, the practice of external works is not an end which is suited for Orders of women.

Suarez is treating only of religious Orders of women, strictly and properly so called—that is, approved Orders of religious women who make *solemn* vows, and who are bound by the law of Enclosure. Besides the Congregations of Tertiaries, who make only *simple* vows, and who are not bound to strict enclosure, there exist at the present day innumerable Congregations of religious women who in this resemble the Tertiaries. All such Congregations of religious women who live in communities without strict enclosure and solemn vows, whether they are Tertiaries, or Oblates, or belong to any other Institute, are known under the general name of *Conservatories*. This name was first given to Houses which were established for the preservation of the innocence of poor orphan girls. These were generally governed by certain pious women who lived in community under a Rule, but without enclosure or solemn vows. In course of time the name of *Conservatory* was extended to all convents of women who lived after the manner of Nuns, but without enclosure or solemn vows. This acceptation of the term is now commonly received by Canonists, and by the Roman Congregations. See Bouix, *De Jure Regularium*, tom. i. 328, *et seq.* 2nd ed.

Tertiaries are those who, with a promise of observance of the Rule of some religious Order, made before its Superior, strive in their manner after a more perfect life. It is not permitted to any Regular Institute

to annex to itself Tertiaries, except with leave of the Holy See. Tertiaries are of three kinds. The first kind consists of men or of women who are living together in community. Of these, the men enjoy the Privileges of the Order, and are exempt from the power of the Ordinary. Not so the women. These the Church leaves subject to the local Ordinary, but not subject to the parish priest. A second kind of Tertiaries consists of women only, who lead a celibate or a widowed life at home, under a vow of chastity, and in the habit of the Order. These receive the habit at the hands of the Regular, their Superior; but it belongs to the Ordinary to give permission for this, and consequently to examine into their fitness for it. They must be of approved life, they must have at least entered on their fortieth year, and they must be able to live from their own resources. They enjoy the Indulgences of the Order, but not exemption, being subject not only to the Ordinary, but also to the parish priest. To him, therefore, alone does it belong to minister to them Easter Communion, Viaticum, and Extreme Unction. The third kind of Tertiaries consists of those—whether men or women, or married persons—who, without receiving any habit, and without any vow of a more perfect life, profess a religious Rule. This Rule in no way binds them under even venial sin. They share in the Indulgences of the Regulars, but not in their Privileges. See Zitelli, *Apparatus Juris Ecclesiastici*, page 233.

Boniface VIII. prescribed perfect enclosure as a necessary condition of convents of women. The law of enclosure was renewed by the Council of Trent. Pius V. forbade the existence of monasteries of Nuns in which enclosure is not observed, and in which solemn vows are not made. While this law—that profession of solemn vows should not be separated from enclosure—remained in its integrity, it began from the time of Innocent XII. to be *tolerated* that there should exist Congregations of girls or women, living under a Rule, and making simple vows. These were called Conservatories. They were said to be *tolerated*, inasmuch as, although the Rule under which these women were living was approved, the Conservatory or Institute itself was not approved, for want of enclosure. Nowadays Apostolic *approbation* is no longer refused to such Institutes. See Ballerini, *Opus Theologicum Morale*, vol. iv. pages 18, 19.

It is the mind of the Apostolic See, at the present day, that Nuns should make only *simple* vows in those countries in which, by reason of the civil laws and other circumstances, the law of enclosure cannot rightly be observed, even if those Nuns belong to Orders which have been approved for the making of *solemn* vows. So Pius IX. decreed in the case of the Nuns of the Visitation in the United States, September 2, 1864. See Zitelli, *Apparatus Juris Ecclesiastici*, p. 234.

The Congregation of Bishops and Regulars has decreed that the vows of the Benedictine Nuns at Stanbrook in the Diocese of Birmingham, founded in 1625, and who took refuge from political disturbances first in the Diocese of Salford, and afterwards at Stanbrook, with the inten-

tion of returning, since given up—have been, and are to be *solemn* vows—*July* 25, 1896.

The Congregation of Bishops and Regulars gave leave to a Convent of Premonstratensian Nuns in Spain, under *solemn* vows, to take civil action for an inheritance, in the Nun's own name, but for the benefit of the monastery.

It also gave faculty to the Bishop for three years, to dispense to this effect in similar, if urgent, cases—*January* 15, 1897.

There is among Orders of women a variety which follows the variety which obtains among Orders of men. Among the Orders of women which are properly *monastic*, some profess the Rule of St Benedict, are called by his name, and wear his habit. Others give obedience to the Cistercian Order, under the name, and with the habit of St Bernard.

Not only monastic Orders, but also the more ancient Mendicant Orders, have their own proper monasteries of Nuns, who are included with them under the name of Mendicants. It matters not that in profession of the *mixed* life, which comprehends spiritual ministries, they cannot be assimilated to the men of the same Order. It suffices that in other conditions they should imitate the Mendicant Order to which they are annexed. They do this primarily and principally by their profession of its Rule, under obedience to the Order, and in the habit of the Order, and with its Constitutions and customs, and especially by their profession and practice of that poverty from which the name of *Mendicant* is taken.

There exist also some monasteries of Nuns who are subject to the Canons Regular. They profess the Rule of St Augustine, and in a special manner imitate those Canons by means of Choir and by careful painstaking in the solemnities of divine worship.

There are some monasteries of Nuns to be found under even the military Orders, and in their habit. Although the end of a military Order seems at first sight to be utterly incompatible with their sex, yet, inasmuch as the military Orders consist not only of knights, but

also of clerics and monks, it is possible for Nuns to some extent to share in their manner of life, and so to be included within a military Order.

With regard to origin and antiquity the same is to be said of Orders of women, both in general and in particular, as of Orders of men. The one generally began along with the other. St Basil, in his Rule, addresses both "*Canons* and *Canonesses*"—that is, *Religious* or *Regulars*, both men and women. St Augustine founded his first monastery of women in Africa, in the city of Thegasta. St Dominic founded a monastery of women in Rome. St Francis, along with his Rule for his friars, instituted a Rule for the Sisters of St Clare. This Gregory IX. approved, and Urban V. afterwards modified it, and reduced it to a better form, and one more adapted for women. Subject, moreover, to the same Order of men, there may exist Institutes of religious women of more than one kind. The Order of Friars Minor, for instance, has subject to it, besides the Order of St Clare, the Order of the Conception, which professes a different Rule.

All that has been said with regard to the religious state, or with regard to religious in general, applies with due proportion to the case of Nuns.

Not only virgins, but also widows may be received in the same convent, as appears from the practice of the Church from most ancient times. St Augustine set a widow over the monastery of virgins which he instituted in Africa. St Bridget, who was a widow, instituted an Order of Nuns, of which she was Abbess, although her subjects were virgins.

If a woman has fallen from virtue, and her fall has been public, and with loss of her reputation, she is not, even after her repentance, to be admitted to a religious society of virgins. For such women there has therefore been devised a special Order, called that of the Penitent

Women, or the Order of St Mary Magdalene. Of this Order there are many monasteries in Spain. They profess the Rule of St Augustine, and live under the care and obedience of the Friars Preachers.

If, however, the fall of the woman has been hidden, and she has not in consequence lost her reputation, there is nothing, morally speaking, to hinder her reception. Sometimes even if her fall has been public, but has happened once only and through frailty, it might be counterbalanced by many circumstances, with regard to herself personally, to her family, and to her amendment of life, so that she might not unfitly be admitted. The refusal of such a person is, after all, a matter which belongs merely to becomingness and respectability. She herself lies under no incapacity, and there is no absolute prohibition to receive her, unless such a prohibition should exist in the Constitutions of some particular monastery.

Besides the will of a novice to enter a monastery of Nuns, there must also be the will of the monastery, along with the will of the Abbess, to receive her. Not only is the consent of the Prelate to whom the monastery is subject, necessary, but it is in his hands that the profession is to be made, and it is by him that it is accepted, since he alone possesses jurisdiction.

In the case of Nuns, the Abbess, or Superioress of a monastery can, by common law, admit her novices to profession; and for this reason that it is not an act of spiritual jurisdiction which belongs to the Keys of the Church. It is an act of the superiority which the Abbess, with the approbation of the Holy See, is invested with over her Nuns. It is simply admitting in the name of the Order the obligation whereby she who makes profession binds herself to the Order, and in return binding the Order to her. Although the profession of Nuns is wont to be made in the hands of the Ordinary—or of a Regular Prelate, if the Nuns are subject to Regulars—yet if it is made in the hands of the Superioress, with consent of the greater part of the Chapter, it will be valid, since the Superioress can by herself alone with the said consent receive it, unless there should exist any peculiar Constitution of the Order which hinders this. By law, the reception of Nuns does not

belong to the Ordinary. It belongs to the Abbess and to the Monastery. See Ballerini, *Opus Theologicum Morale*, vol. iv. p. 35.

Nuns are bound equally with Monks as regards the substantial vows of religion, but this obligation is adapted to their sex. Hence, in the matter of the vows, or in matters which conduce towards the observance of their vows, there are certain points which are proper to Nuns, partly by way of relaxation, and partly by way of greater rigour and observance. Although for some Orders of religious men that kind of poverty is fitting which deprives not only the individual members, but also the religious communities themselves of the ownership of goods, yet this is not expedient for Nuns. Their respectability, as well as their enclosure, could not be so entirely or so perfectly preserved unless the necessaries of life were supplied to them from the funds of their monastery. Hence, although the Order of St Clare was instituted at first with observance of community poverty, Innocent III. shortly afterwards dispensed this, permitting, however, rather than prescribing, that community poverty should not be observed. Later on, Urban V. decreed that their Rule should be observed without this kind of poverty. Both Pius V. and Gregory XIII. endeavoured by all means to provide that monasteries of Nuns should possess somewhat for their support, so that, if they stood in need of alms, these should be procured rather through the providence of the prelates to whom they are subject, than by means of their own begging. Since experience, however, has proved that this method is attended with many difficulties, and that every other mode of mendicancy is surrounded with dangers, it is absolutely more advisable for monasteries of Nuns that they should possess common revenues than that they should profess poverty as communities.

With regard to chastity, it has only to be observed that, in order to preservation of it, the precept of

Enclosure is more strict in the case of Nuns than it is in that of Monks.

With regard to the obedience of Nuns, three obligations are chiefly to be noted. The first is their obligation of obedience to the Prelate to whom they are subject, whether he is the Bishop, or a religious Prelate of their own Order, as the case may be, in accordance with the profession of their respective monasteries. There cannot exist a monastery of religious women which is not subject to some man, since women are not capable of ecclesiastical jurisdiction. This obligation of obedience is founded, not only in the vow of obedience, but also in proper spiritual jurisdiction. A monastery of Nuns may indeed be exempt and subject immediately to the Sovereign Pontiff, since that depends upon the Pontiff's will, but the case is rare, since it rarely happens that it is expedient. Even when the case does occur, the Pontiff must necessarily appoint some man in place of himself in order to exercise of jurisdiction.

A second obligation of Nuns is to obey the Abbess. This obligation is necessary in order to the government and good order of the monastery. An Abbess does not possess proper spiritual jurisdiction, and so she cannot make a law, properly so called, nor can she impose a precept upon the whole convent, by which an act should be constituted in the species of a special virtue, for this belongs to power of jurisdiction. An Abbess, however, has *dominative* power—that is, power to administer and rule the monastery, both persons and goods. In virtue of this power she can prescribe to the Nuns, and they will be bound in conscience to obey her in virtue of their vow of obedience.

A Superioress stands towards her Nuns in exactly the same position as that in which the Superior of religious men stands towards his subjects, and she is bound by the same laws in the administration of goods. Besides this, there is a caution of Pontifical law that, in administrative

acts to be done by her or by the Chapter, there should intervene the authority of the Prelate to whom they are subject, and as that Prelate is their guardian. He is to act not by way of *disposal* or *proprietary* right—a right which belongs to the community alone, to which alone the goods belong—but by way of *direction*, which is the right which belongs to him. See Ballerini, *Opus Theologicum Morale*, vol. iv. p. 91.

The third obligation of Nuns is to observe their Rule and Constitutions. Even if their statutes do not bind them under sin, the Nuns can be compelled to observance of them by the Prelate to whom they are subject. To such observance Prelates should pay special attention in their visitations. Visitations of monasteries of religious women are made by the Bishop when these are subject to him, and in the case of monasteries which are exempt from the jurisdiction of the local Bishop, the visitations are made by a religious Prelate of the Order to which the Nuns belong.

CHAPTER XIII

CONGREGATIONS OF SISTERS WITH SIMPLE VOWS

Congregations of Sisters with simple vows usually spring from the seemingly fortuitous coming together of a certain number of pious women. These voluntarily associate themselves, and generally under the guidance of one of their number, who is a leading spirit among them. This they do for the service of God, and for the benefit—spiritual and temporal—of their neighbours; as well as for their own greater and more certain personal sanctification.

Their motives are excellent; but this will not suffice to raise them from the status of a private association to that of an ecclesiastical *congregation*.

Congregations with simple vows already abound, and in such variety as to meet the needs and desires of every one who, for those reasons, has an inclination to leave the world, and devote herself to God.

For the foundation of a new Institute more is necessary. A new Institute must have in view a distinct and *special*, and clearly determined end. This special end must be different from the special ends of already existing Institutes; or, at least, from the special ends of those which exist in the same country.

There are two kinds of Institutes with simple vows. One has in its organisation the germs of future expansion. The other is destined, of the very idea of it, to confine itself and its operations within the bounds of one Diocese, and sometimes even within the limits of one town.

The Holy See is not in the habit of confirming with

its Apostolic authority Institutes which are purely *Diocesan.*

A congregation of women under simple vows is, in its first beginnings, ordinarily under the auspices of the parish priest of the place where it has its rise. To constitute it, however, a distinct moral entity, and a corporate body, which is to live with its own individual life in the Church of God, recourse must be had to the Bishop—the Ordinary of the Diocese, in which it is situated—for his canonical approbation.

The application to the Bishop must set forth the regulations which the association has adopted and hitherto practised; along with a petition for his permission to bind itself to God by the three cords of the vows of poverty, chastity, and obedience, and in submission to his Episcopal authority.

This is the first stage of a purely *Diocesan* Institution. It depends solely on the Bishop of the Diocese, both in spiritual and in temporal matters.

If such a congregation were to venture into another Diocese, it would at once find itself subject in the new Diocese, and in all things to the new Bishop. He will have over any Houses which may be established in his Diocese, the same powers as had the Bishop of the place of its origin, over the Houses within his Diocese. The Institute would therefore, in fact and in law, be subject to two superiors.

The Bishop of the foundation of an Institute has power to modify its rules and constitutions, as he judges to be fitting in accordance with varying circumstances. The Bishop of the other Diocese, in which the Institute has settled itself will also have the right to modify its rules, in order to bring them into greater conformity with what, in his opinion, local circumstances demand. This is, on the face of it, a difficult position for the new Institute. It breaks in two its oneness. There is also a possibility—and in proportion as the Institute extends itself—a probability of variance with the action of the

Superioress - General. A Bishop might, for instance, oppose the removal of a Sister whom he believes to be necessary for one of his Diocesan works; while the Superioress-General believes that this Sister would be able to do greater good in another place outside his Diocese.

It is in order to avoid a source of possible if not probable conflict of this kind, and in order to secure its own greater stability, that an Institute comes to place its Constitutions under the Authority of the Apostolic See, and to place itself under the immediate supervision of that See.

Sometimes *Letters* are given to the founders of a new Institute, by which their *intention*, or the *end* of the Institute itself is praised. If a new-born Institute has only one house or perhaps two, and is not yet fit for the drawing up of Constitutions, the Sacred Congregation of Bishops and Regulars sometimes gives Letters by which it commends the intention of the founder or foundress, and the *scope* of the pious work which has been begun. This happens, either when the Bishop in whose Diocese the first house is established, or the founders commended by the Bishop who is their Ordinary, set forth to the Supreme Pontiff the character of the Institute which is scarcely beginning, and the fruits which may be hoped for from it, to obtain the Apostolic benediction.

Whatever Letters, however, may be given to this pious Institution, it remains nevertheless in the state of a private, and wholly diocesan sodality.

The Decree of praise. This is the first act by which the Holy See so puts its hand to the work of the Institute, that it ceases to be simply diocesan.

When an Institute has sent its Constitutions to Rome, and the Sacred Congregation of Bishops and Regulars has accepted the examination of them, and has thus

begun to exercise its authority, there is what canonists call an *affectatio manûs*—or "laying hold of the case." The Sovereign Pontiff having now made the cause his own, all other jurisdictions cease.

The Institute has it in its power to propose changes, and Bishops concerned have it in their power to demand modifications; but the modifications and the changes must be presented to the Sacred Congregation, by whose *sole* authority they may be made.

The whole Catholic world must now wait for the judgment of the Sovereign Pontiff. Every one must henceforth abstain from any act which might be at variance with the Pontiff's authority, or with the recourse which has been had thereto.

In a Decree of praise, the Sacred Congregation begins with a narrative of the foundation of the Institute, its title, its end, its vows, its form of government, the authority of the Superioress-General, and concludes—Our most Holy Lord Leo XIII, looking to the Letters commendatory of the local Bishops, by the tenor of the present decree *praises* in most ample words, and *commends* the Institute (in question) as a Congregation of simple vows, under the Government of a Superioress-General, saving the jurisdiction of the Ordinaries in accordance with the precept of the Apostolic Constitutions.

This Decree of praise is granted if, after a fitting lapse of time from the first foundation, the Institute should have sufficiently spread abroad, and should have brought forth ample fruits of piety, regularity, and spiritual emolument. This must be proved by the Letters-testimonial of the Bishop or Bishops, who are the Ordinaries of the dioceses or territories, in which the Institute has a house or houses.

In order to obtain a Decree of praise, there should

be exhibited to the Sacred Congregation—a petition to the Supreme Pontiff, signed by the Superioress-General and by her assistants—Letters-testimonial of the aforesaid Ordinaries—an accurate narrative of the Institute, in which is set forth the personal, disciplinary, material, and economic state of it—along with a record of the institution of a noviceship, with the number of the novices, and their discipline. This narrative will be signed by the Superioress-General, and by the economie general, and by the general secretary. The Bishop of the diocese in which is situated the principal house of the Institute should testify to the truthfulness and authenticity of this narrative. Finally, the Constitutions, recognised and approved by the Bishop. This is in accordance with the Constitution *Conditæ* of Leo XIII., 8th December 1900. The Constitutions of the Institute will be printed, and will be either in Latin, or in Italian, or in French.

The Decree of Approbation of an Institute.—This decree is granted if, after the Decree of praise there is proved by the experience of a sufficient length of time the firm bodily structure of the Institute, the suitableness of the Constitutions, the vigorous observance of them, the rightness of the plan of government, the study of the sisters to observe discipline in the bond of charity from within, and externally their zeal in the accomplishment of the works which are proper to their Institute.

As regards the foresaid conditions it ought to appear both from the *report of the state* of the Institute, which the Superioress-General ought again to exhibit, when she presents her petition for obtaining the *definitive* approbation of the Institute; and from the Letters of Commendation again to be given by all the Ordinaries who have any house of the Institute, within the territory of their jurisdiction; and finally, from the corrected copy of the Constitutions, to be again exhibited to the Sacred Congregation.

This last decree begins with the words—"Our Most Holy Lord Leo XIII." . . . and ends with the words "*approves* and *confirms* the Institute."

Passage through the three degrees above described is not so of precept that all and every Institute must observe it. There are many Institutes, even of the more recent, which have not obtained, because they have not sought, the first Letters in pure and simple praise of their scope, or of their foundress. Moreover, there is sometimes granted a Decree of *definitive* approbation, without this being preceded by a Decree of *praise*. This happens, although rarely, if the conditions in favour of the Institute, when it first presents itself before the Sacred Congregation, are so absolute on every point that there seems no reason for farther delaying the *definitive* approbation.

For the most part, however, there is given a Decree of *praise*, and then only after a fitting lapse of time there is granted an absolute and *definitive approbation* of the Institute. See *Normæ secundum quas S. Congr.* Episcoporum et Regularium procedere solet in *approbandis novis Institutis votorum simplicium*. (Elsewhere, to avoid repetition, this reference will be given simply as *Normæ*.) Pages 1-6. Nos. 1-7.

The narrative with which an Institute submits its Constitutions to the Holy See, must be forwarded anew and as often as the Institute petitions Rome for any fresh approbation. It must contain a historical account of the Institute from its origin to the present date. It must show at what date the Institute received the canonical *approbation* of the *Bishop*. It must state also what has been its progress up to the date of its recourse to Rome.

It will state also the *end* of the Institute—both the *general* end and the *special* end—along with the *means* adopted in order to that end.

It will mention the classes of persons (choir-sisters,

and lay-sisters, or the one class only) of which the Institute is composed.

The different degrees of probation—the length of the noviceship—and the number of years for which *temporary* vows are taken before the admission of a sister to *perpetual* vows will be noted.

There will also be a summary of the form of government, showing whether there is, or is not, a Superioress-General; and if there is, stating the length of her term of office—the number of her consultors—the dates of convocation of the General Chapter—and the mode of election of the various officials. It must mention also the *material* state of the Institute—the number of its houses—and the number of dioceses in which it is established.

It will record the *personal* state of the Institute—the number of postulants — of novices — of sisters under *temporary* vows—and of sisters under *perpetual* vows. If there are two classes of sisters, the number of choir-sisters and the number of lay-sisters must respectively be given.

There must also be a statement of the *financial* condition of the Institute—the approximate value of the various pieces of real property possessed by the Institute —the freedom of these from any settled charges—any other debts of the Institute, and the amount of these—the way in which the Institute provides for its expenses, and whether these are balanced by its receipts—and whether it is supported by the labours of its members or from other sources; and in short, its *financial* solvency. There will also be given the *disciplinary* condition of the Institute. The Superioress-General will state how its members observe the Constitutions, and mention defects of observance, if any.

With this narrative will be a petition of the Superioress-General to the Sovereign Pontiff, humbly begging for the favour of Approbation of the Institute—or of the

Constitutions—according to the kind of approbation, for which she is asking.

This petition ought to be countersigned by the Bishop of the diocese, in which the mother house is situated. He ought also to certify as to the accuracy of the historical narrative, and of the account of the material, personal, financial, and disciplinary condition of the Institute.

Letters-testimonial are also required from the Bishops of all the dioceses in which the Institute has houses. These letters the Bishops may either send directly to Rome, or they may entrust them to the Superioress-General who has asked for them. In them the Bishops can, in giving testimony to the Institute, mention also any modifications which they may severally desire.

Among these Episcopal letters, the most important is the letter of the Bishop of the diocese which contains the mother house. He has known the foundation from its first beginnings, and so is best able to give an account of its development, and of its methods of action. The Letters-testimonial from the local Bishops are required by the constant practice and express decisions of the Sacred Congregation. The official language of this Congregation is Italian, as well as Latin. All the consultors have sufficient knowledge of the French language, and so when the Constitutions are in French, they are sent on without translation. If they are in the vernacular of any other tongue, the Sacred Congregation will cause a translation of them to be made into Latin. It is this version or text on which the Congregation will make its *animadversions*. Of this version the Institute will take care to have a faithful translation made into its vernacular.

Ten copies of the Constitutions are to be sent by the Institute, for distribution among the members of the special commission for examination of Constitutions.

Although not absolutely required, it is nevertheless

well to send also a list of any special favours which Rome may have granted to the Institute, or to its works. This, as evidence of the good will of His Holiness, cannot fail to be appreciated, and to have its weight with the Sacred Congregation.

These various documents ought to be addressed to the Sovereign Pontiff. He is the *sole Judge* in this matter. It is therefore to the Sovereign Pontiff by name, and not to the Secretary of the Sacred Congregation of Bishops and Regulars, or to its Cardinal Prefect, that the documents, one and all, are to be addressed. The petition will begin with the words—"Most Holy Father."

Pius IX. in an audience on September 22, 1864, commanded that in future, supplications for the praise—or for the approbation—of any Institute, or for confirmation of its Constitutions, should be referred to the Supreme Pontiff, before anything is done by the Sacred Congregation.

This in no way hinders the Institute from actually carrying its Constitutions, or other documents, to the Secretariate of Bishops and Regulars. Although forwarded through this channel, they must nevertheless be *addressed* to the Supreme Pontiff.

So much for the different degrees of approbation to be granted, before arriving at approbation of the Constitutions. See *Guide Canonique pour les constitutions des Sœurs a vœux simples, par Mgr. Albert Battandier, Consulteur de la S. Cong. des Ev. et Reg.—Proton, apost. Deuxieme edition*, 1900. (Elsewhere, to avoid repetition, this reference will be given simply as *Battandier.*) Pages 1-8.

Caution in praise and Approbation of New Institutes. —Those Institutes are with caution to be praised or approved, which propose to themselves manifold, dissimilar, or mutually discordant external acts; so as to

seem to extend their actions to all works whatsoever of charity towards their neighbour. These are to be advised to choose for themselves a certain and circumscribed kind of action. When this has been defined, the decree of praise, or of approbation, may be granted.

This does not hinder that in some places, for instance, in missionary countries, they should sometimes take up works which go beyond the end which they have set before them. It is one thing to approve an Institute for a universality of works, and in general for every place and time; and it is another thing to permit that certain houses of the same Institute, looking to local adjuncts, for a just cause, and at the instance of the Bishops, and using necessary and opportune precautions, should in some places undertake some kinds of works which are beyond the ordinary functions and offices of the Institute.

The lapse of a fitting time, say ten or fifteen years, is prudently demanded, between the foundation of the first house, and the granting of the decree of praise, or of approbation. This is not so absolutely and precisely laid down, that there should not be place for exceptions, whenever the institution of a new sodality is recognised as so confirmed that there is no need for longer trial.

A decree of praise, and especially of *definitive* approbation, is not granted before the new Institute consists of a considerable number of houses, in which there is a family of sisters, such as may suffice for the keeping of the laws, and for the due performance of acts of regular discipline.

To Institutes which have not means of support for the sisters there is not granted either approbation, or a decree of praise; in the case of those which are burdened with debt, it is opportunely delayed.

The greatest caution is to be taken in approving new Institutes which live on alms only, and collections made from door to door. On those which are approved is to be inculcated the faithful observance of the Decree of the Sacred Congregation of Bishops and Regulars, *Singulari quidem*, March 27, 1896. It is as follows:—

"Those women are worthy of singular protection and aid who have devoted themselves, in pious and religious Institutes to God, in order that, for the good of their neighbours, they should not only directly do works of mercy far and wide, but also beg alms for the maintenance of those works, and so be praiseworthy for their extraordinary humility, patience, charity, and other virtues. Since, however, this ministry of collecting alms is, considering the nature of women, and the condition of modern society, not without peril, if it is not fortified with fitting sanctions, the Sacred Congregation of Bishops and Regulars, at the petition of certain Bishops, and having diligently and maturely considered the matter, has decreed as follows:—In Institutes of simple vows, the work of begging alms is not to be undertaken except in the spirit of faith, as begging alms not for themselves, but for Jesus Christ, and bearing in mind His words—Inasmuch as you have done it to the least of these My brethren, you have done it unto Me. They are, moreover, to regard the local Ordinaries outside their territory with homage, reverence, and devotion, as their parents and patrons, to whom they may go with confidence for counsel, and aid, and protection in every necessity. 2. It is not lawful for those Sisters of simple vows to beg alms, either within the Diocese in which they reside, or outside it, without leave of the Ordinary. 3. They ought to obtain leave of the Ordinary of the place in which they wish to beg. 4. There is nothing, however, to hinder a Superioress from accepting, without asking any leave, alms spontaneously offered for the relief of

her house, or of the pious works thereof, or even from begging alms by letter from respectable and benevolent persons, so long as she is not forbidden to do so by a lawful superior, for a reasonable cause. 5. The Ordinary of the place in which there is a House of begging Sisters, is not to give leave to them unless (1) it is clear to him that there is a true necessity for the house or for its pious work, or (2) if the begging can conveniently be done through others designated by him as Ordinary. If the necessity can be met by the Sisters begging within the place in which they reside, or within their own Diocese, the Ordinary is not to give them leave to beg outside the Diocese. 6. Both leaves are to be given *gratis*, and in writing; and in these leaves every Ordinary has power to impose such laws and conditions as he may judge to be opportune in the Lord, in view of circumstances of places, times, and persons. The leave of the Ordinary should contain letters either to the parish priests, or to other prudent persons, within the diocese; or Letters-commendatory to the Ordinaries of other dioceses. In these letters, parish priests and other prudent persons should be exhorted to do their best to give the Sisters counsel and aid in their work, to watch over their mode of acting, and at once to report the matter to the Ordinary, if they should come to know of anything that is otherwise than right. In the Letters-commendatory, the local Ordinaries are exhorted that in their dioceses they should protect the Sisters who are allowed to beg, and help them and treat them as if they were their own subjects. 7. The local Ordinary is not to admit Sisters from another diocese coming to beg, unless these have first presented to him their leave from their own Ordinary. He has power, however, to give them leave to beg in his own diocese. When Sisters, even if furnished with both leaves, misconduct themselves in their begging, the Ordinary has power to command their instant return to their own diocese;

and, if need be, enforce it by fitting means. 8. Superiors, especially outside the place where they have houses, are never to send Sisters to beg alms, except in pairs, and of mature age and spirit, and not for more than a month within the diocese, and two months outside the diocese; and always with such a sum of money that they can, on any unforeseen necessity, at once return home. Begging Sisters must always and everywhere exhibit becoming modesty, and avoid all familiarity and useless conversation with men, as well as noisy crowds, taverns, and other unbeseeming places; and they are not to stay any longer in houses than is necessary for obtaining. They are never to go singly, or to be separated from each other without necessity. On a journey they are, if it can be managed, to make use of the railway; but, if possible, they are not to start from one place, or arrive at another place by night. They are to inform beforehand the persons to whom they have letters from their Bishop, of their coming; and, on their arrival, they are to present themselves to him, and ask him to intercede for them, that they may have hospitality in some pious Institute of women or, at any-rate, with some respectable woman, and they are never to go to any house, where they may run any risk. They are not to omit Matins or Vespers, and they are daily to go in the morning to some one of the nearest Churches, and hear Mass, and they are to go to confession and communion every week. They are not to beg before daybreak, or after sunset. After the time prefixed for their begging, they are without delay to return, by the direct route, to their own Superioress. They are never to demand alms arrogantly, or as a debt, but after briefly and simply setting forth their need and pious works, they will accept anything which is spontaneously offered, or otherwise with patience place their trust in the divine providence. Any other opportune rules which their own Superioress may give them, they are to observe to the letter.

There are not easily to be approved new Institutes of Sisters who set before themselves as an end, the care of aiding in their private houses the infirm of both sexes, day and night; or of doing daily domestic service in the families of the poor, and of workpeople. If, however, approbation is sometimes and for just causes to be granted, there will be prudently prescribed in the Constitutions the conditions and precautions, by which the Sisters will be set free from perils.

Approbation is not granted to sodalities of Sisters who assume as their special scope the making in their own houses of convalescent homes, or lodgings for persons of both sexes—or hospitals for receiving priests; —or of undertaking the management in seminaries of clerics, or in other houses of ecclesiastics whatsoever, or in colleges of pupils of the male sex; or of teaching in the schools of young men, or in those which are called mixed schools—that is to say, schools in which both boys and girls are assembled together.

Much less are there to be approved Institutes of Sisters who propose to themselves the undertaking of the direct charge of boys in the cradle—or of lying-in women in the houses which are commonly called Maternity hospitals; or, finally, other works of charity which seem little to become virgins dedicated to God, and clad in an ecclesiastical habit.

Institutes of Tertiaries are not approved, unless by the Superiors-General of those Orders, from which they borrow their name and habit, they have been aggregated into a proper Third Order, and admitted, so far as is lawful to grant it, to participation of indulgences, and spiritual favours.

There will not be approved in future Institutes of Sisters dependent on similar Institutes of men with simple vows; nor Institutes of men which have such

Institutes of Sisters aggregated to them, and holding directly from them. See *Normæ*, pp. 6-8. Nos. 8-17.

The *first end* of an Institute is to promote the glory of God, and the sanctification of its members—through the practice of the three simple vows of poverty, chastity, and obedience.

As the *end* of every human being is the glory of God, so must the *end* of every congregation of human beings be the self-same glory.

If it is a glory to serve God, and to keep His commandments, how much greater a glory is it not for a human being, rising above the sphere of the *commandments*, to enter on the sphere of the *counsels*. To be called to the religious life is an honour and a favour which cannot be sufficiently appreciated, and for which there cannot be shown too great a gratitude to God.

Besides the *general* end of Institutes, which is common to all Institutes, each one of them has a *special end*. This special end proceeds from the purpose for which the Institute was founded—the ministry which it sets itself to exercise—and the kind of good works to which it dedicates its members.

The secondary end of an Institute, being that which differentiates it from other Institutes, ought to be clearly defined, and expressed with precision, and there should at the same time be indicated the *means* which the Institute will employ for the accomplishment of this secondary end. From the very fact that it ought to be determinate, this end must not be *too extensive*. If it were so, as belonging to several different Institutes, these would not severally present any really characteristic variation. Moreover, if the pious works which are undertaken were too various in kind, the Sisters would not be able to accomplish all of them with satisfaction to themselves, to say nothing of others. The end or scope of an Institute which extends itself to—all works of charity, is too wide. An Institute which proposed as

its end to—succour all the ills of humanity, of whatever description, the Sacred Congregation held to be unwisely extensive.

If an Institution should come to the conclusion later on that it would be for good to extend its pious works beyond the sphere within which they had hitherto been confined, it ought to have recourse to the Holy See for authority to make this extension.

Not only should the secondary scope of an Institute not embrace too many different kinds of works, but an Institute ought not to extend itself beyond the primitive limits fixed for it in its Constitutions. For instance, an Institute founded for school work ought not to undertake the charge of hospitals; and an Institute founded for the visitation of the sick in their own houses, ought not to aim at its members becoming hospital-sisters.

The Sacred Congregation wishes, as far as possible, to *specialise* every Institute; and when Institutes go outside their sphere, it recalls them to at least substantial observance of their primitive and original statutes.

It is true that one of the most grievous evils of the present day arises from attempts made to draw away young children and boys into secular and Godless schools, and so to deprive them of the benefit of education by the Church. Sisters, nevertheless, may not argue that the undertaking by them of the spiritual charge of infants and boys, is a lesser evil, and an evil which is necessarily to be faced for the preventing of a greater evil, and that they are at liberty to make, in some sort, a virtue of necessity. In a case of this kind, it is for the local Bishop, after communicating with Rome to see what can be done under the circumstances, while leaving the principle intact; and in the meantime, on their own responsibility, to grant the necessary authorisation to the Sisters, after having surrounded the permissions with all the precautions which prudence may suggest. These permissions are an expedient in face

of pressing dangers, and will in no way come to constitute a law. The law of the Sacred Congregation is dictated by the highest wisdom, and established in the interest of the Institutes themselves. Those provisional exceptions only serve to confirm the rule.

It is also not becoming for Sisters to instruct and prepare girls for receiving the sacrament of matrimony. This pious work cannot, as a secondary end of their Institute, find place in their Constitutions. See *Battandier*, pp. 40-45.

Approbation of the Constitutions.—For this a petition is to be presented to the Sacred Congregation of Bishops and Regulars, signed by the Superioress-General, and by her assistants or general counsellors. Along with this petition is again to be exhibited the codex of Constitutions.

In order to the approving of the Constitutions, the Sacred Congregations proceed by the following steps :—

1. *A delay, along with animadversions.*—If on examination it appears that the Constitutions require many corrections, the approbation sought for is deferred to a more opportune time, and in the meantime animadversions are communicated *in folio*, as it is called, by which are indicated those things in the Constitutions presented which are chiefly to be corrected, or reformed, or added to, or deleted.

2. *Approbation for experiment*, or trial.—If the Constitutions presented seem not yet sufficiently proved by time, action, and use ; and are not otherwise deserving of very many, or grave, animadversions, there is made *ex officio* a first correction *in the text* ; and there is given a decree by which His Holiness approves and confirms the Constitutions, as they are contained in the corrected copy, for three years, or for five years, by way of trial.

3. *The definitive approbation.*—When at last sufficient trial has been made, the codex of Constitutions, still to be amended on a few points, is absolutely corrected, and

there is given a decree by which His Holiness fully approves and confirms the Constitutions.

The mode of proceeding just described admits of exceptions. There are sometimes given animadversions *in folio*, as it is called, not once only, but twice, three times, or even oftener, as the case may be. Approbation for experiment is not rarely omitted. Sometimes, but very rarely, the Constitutions are definitively approved, when they are first presented to the Sacred Congregation.

What has been described hitherto as to approbation of the Institute, or of the Constitutions separately, proceeds conjointly in act and fact as follows:—1. For the most part, along with the decree of *praise* of the *Institute*, there are given animadversions *in folio* on the *Constitutions*. 2. With the decree of *approbation* of the Institute there are also not rarely given new animadversions *in folio* in order to a fuller correction of the Constitutions. 3. With the decree of approbation of the Institute, there is sometimes given a decree by which the Constitutions amended in the text are approved for *experiment* or trial, for three, or for five, or for seven years. 4. Ultimately, there are given decrees of *definitive* approbation at once of the *Institute*, and of the *Constitutions*.

Bishops have no right to make changes in Constitutions which have been subjected to examination by the Apostolic See. See *Normæ*, pp. 8-10. Nos. 18-25.

The practice of the Sacred Congregation at the present day is, as a rule, not to grant the first three rescripts without an interval of at least five years between each of them. As regards the fourth rescript, which is the definitive Approbation of the Constitutions, the Sacred Congregation will itself indicate the time at which it ought to be asked for.

Loyal and reverential submission to the Holy See in no way hinders the Institute from representing the

difficulties which such and such an animadversion would produce in practice.

In the event of its being modified, the modifications ought not to be inserted *in the text*. They should be made the subject-matter of a separate petition. It will be well that a memorial, annexed to the petition, and signed by the Superioress-General and her council, should develop the motives which have made them ask for a suppression, or for modification of an animadversion. It is not sufficient to *ask*. The petition must be supported by *documents*. The absence of these has sometimes resulted in the failure of a petition.

The Institute must accept *the text* of the Constitutions *as it is sent* to them, without permitting themselves to alter one iota. It is the Sovereign Pontiff who has sent it to the Institute. It is he who has invested the Sacred Congregation with his own supreme authority. Consequently it is not lawful for anyone whomsoever to make any change whatsoever, even under the form of authoritative interpretation. The Sacred Congregation alone has mission and authority to interpret.

For the final and definitive Approbation, the Sacred Congregation writes out a second time the entire *text* of the Constitutions, embodying the modifications which it has judged to be opportune, for the better observance of canonical regulations, and as better to provide for the needs and wants of the Institute. These Constitutions are followed by a Decree, similar in form to the Decree of approbation *for experiment*; with this difference that there is not in it any mention of a period of trial. It runs—"Our Most Holy Lord . . . *approves* and *confirms* the foresaid Constitutions, as they are contained in this copy." See *Battandier*, pp. 16-17.

Matters to be kept out of the *text* of the Constitutions presented by the Institute to the Sacred Congregation. —There are not admitted into the Constitutions pre-

faces, introductions, proems, historical notices, hortatory or laudatory letters, with the exception of the Decrees of praise and approbation granted by the Holy See.

There are to be excluded quotations of texts from the Sacred Scriptures, the Councils, the Holy Fathers, theologians, and from any books or authors whatsoever.

Citations of arrangements whether of a special directory, or of a private ceremonial or manual, or of any codex whatsoever of customs or of usages of the Institute are not admitted into the text of the Constitutions; lest perhaps by such admission the foresaid books or codexes should seem to be approved. It is, however, expedient to send such books to the Sacred Congregation, in order that it may have opportune knowledge of them.

There is to be no mention of civil laws, of ordinances of civil magistrates, of approbation by the government, or the like.

There are also to be excluded all things which have regard to the functions and offices of bishops and confessors. Constitutions are written not for them, but for religious. An order of studies and a mode of life for pupils have no place in the Constitutions; nor have minutely described *horaria* or time-tables of daily actions, for the houses and works of the Institute.

Questions of dogmatic theology, or of moral theology, decisions of controverted doctrines, and especially on the matter of the vows, are to be expunged.

Terms of canon law, which cannot be applied to Institutes of simple vows, are to be avoided, such as, for instance—the *rule*, *religion*, the *monastery*, *nuns*, etc. In place of these is to be said respectively the *Constitutions*, the *Congregation*, or *Institute*, the *House*, the *Sisters*, etc.

Ascetical instructions, professedly spiritual exhortations, and mystical considerations have no place in Constitutions. These are all more fittingly treated of in ascetical books.

Constitutions ought to contain only the laws which

are *constitutive* of a Congregation, and *directive* of the actions of a community, whether as regards government, or as regards discipline and rule of life.

There are to be kept out also the very minute prescriptions about secondary and lower offices, which have regard to the kitchen, the infirmary, the wardrobe, etc.

These but little become the gravity of the text of Constitutions to be approved by the Holy Apostolic See. See *Normæ*, pp. 10-11. Nos. 26-34.

Without wishing in any way to detract from the merit of the persons who consecrate themselves to God, and bind themselves to God by the threefold cord of the vows, and being well aware that these persons are truly practising religious virtues with fervour, the Sacred Congregation nevertheless refuses to them the title of *Religious*, at least in the canonical sense of the word. The name of *Religious* belongs to Religious *Orders* with *solemn* vows.

A number of Privileges, and among them the privilege of Exemption, are attributed by the Church to Regulars. If communities with *simple vows* were to take to themselves the name of *religious*, as if it lawfully belonged to them, they might by-and-by come to believe that they also were in possession of those *privileges*. It is for this reason that the Sacred Congregation will not let pass in the draft of the Constitutions of communities with *simple vows*, the words *Religious* or *Rule*, or any adjective which might have the same signification; such as, for instance, *regular*, or *religious profession*.

The Sacred Congregation does not admit in new Institutes any distinction between Rules and Constitutions. The name of Rules is exclusively attributed to the Constitutions of the old Orders already approved by the Apostolic See.

Neither will it admit any mention of the founder of

the new Institute; or approve of its being there spoken of as—a design with which God inspired its founder.

Outside its Constitutions an Institute has ordinarily two books, which are not submitted to the authority of the Sacred Congregation. One is called the Directory; and the other is called the Custom-book of the Institute.

The Institute is free to insert in these books smaller details of daily life, the way in which the Sisters are to fulfil the various exercises of the day, and considerations, theological or moral, of which the Sisters may avail themselves to promote their union with God.

These are not to be inserted in the Constitutions because they are not *constitutive* of the Institute.

If details of usages or of time-tables were to be embodied in Constitutions approved by the Apostolic See, recourse would have to be had to the Sacred Congregation every time that a change in any detail was found to be necessary. These details being relegated to the Custom-book or the Directory, modifications of them can be introduced by the General Chapter, from time to time, as circumstances may dictate or demand.

Every Institute has its own special rite for the ceremonies of Clothing, Profession, Renovation of vows, and the like. No mention, however, is made of a Book of Ceremonies in the Constitutions because the Sacred Congregation is not in the habit of giving its authoritative approbation to such books.

When an Institute occupies itself with orphanages, asylums, places of education, and the like, the Sacred Congregation holds, and with reason, that such works, annexed to the Institute, do not fall under Constitutions of the Institute. Otherwise, the internal regulation of such works might be turned upside down from top to bottom, with any modification of the Institute, however small.

These regulations find their proper place in the Directory, or in the Custom-book, but not in the Constitutions.

Institutes are at many points in contact with the Civil Power; such as, for instance, for their legal existence—or, with regard to the direction of certain works which have been entrusted to them by the Civil Power.

The Sacred Congregation puts no hindrance in any way, to these relations. They are, for the most part, indispensable for the doing of certain good works.

An ecclesiastical Institute, however, depends ecclesiastically, solely on the ecclesiastical power. This power is free and supreme within its own sphere. Hence no mention of another power, or of the approbation or protection of the civil government, is made in the Constitutions of an Institute. Any mention would be merely historical, and out of place in a document, the purpose of which is to determine the relations of an ecclesiastical institution with the ecclesiastical power.

The Sacred Congregation objects to quotations in the Constitutions, either from the Sacred Scriptures, or from the Councils, or from the Fathers, or from Theologians, or from any other books or authors, or from Pontifical documents; and to notices of indulgences, or other spiritual favours.

The Book of the Constitutions is not an ascetical work, and notes at the foot of the page, explanatory of the text are out of place. They beget confusion, for if the text is approved, the notes are not. Notes can be only private interpretations, and private interpretations are forbidden. The Sacred Congregation alone has authority to interpret the Constitutions. Were notes to contain anything of *constitutive* value, this ought to have found its way into the Constitutions themselves. See *Battandier*, pp. 25-31.

Matters in general required in Constitutions.—The codex of the Constitutions ought to contain those things which have regard to notions and arrangements. 1. Concerning the nature of the Institute—its members—and its mode of living. 2. Concerning the government of the Institute—its administration—and its offices. All these may be distributed into two, three, or four parts.

There is above all commended brevity, clearness, and good order.

The Constitutions are to be divided into parts: the parts into heads: the heads into articles, or paragraphs; and to these are prefixed numbers proceeding from the beginning to the end.

If the Institute wishes to observe one of the Rules approved by the Church, this will be prefixed to the Constitutions. The version, however, must be faithful.

In the end of the Constitutions are to be inserted the Decrees of the Sacred Congregation of Bishops and Regulars which concern that kind of Institute.

The title of an Institute may be taken either from the attributes of God—or from the mysteries of our holy religion—or from the feasts of Our Lord, and of the Most Blessed Virgin Mary—or from the Saints—or from the special end of the Institute itself.

New Institutes are not to usurp the title of other Institutes already existing. They must at least add something fitting, that the distinction between them may be sufficiently apparent.

Care is to be taken that the titles of Institutes are not too artificial in their composition—that they do not savour of levity, or incongruous novelty—and that they do not express or insinuate any species of devotion which has not been approved by the Holy Apostolic See. See *Normæ*, pp. 11, 12. Nos. 35-41.

So long as Institutes with *simple* vows were comparatively few in number, it was easy enough to find

names for them. The rapid multiplication of such Institutes during the last half-century, has made this to be now a matter of some difficulty. The various titles which belong to Jesus and Mary, and which are in common use among the faithful, were soon appropriated. So were the mysteries of the Life and Death of Our Lord. Sometimes, Institutes, to differentiate them from other Institutes which already bore these names, added to them the name of the Institute's place of origin.

Other Institutes took their names from the *secondary* end for which they were founded.

Others again have, in place of the name of *Sisters*, taken the name of Servants—Daughters—Oblates—Missionaries, and the like. The colour of their habit has also supplied a name for some Institutes of Sisters.

Names which suggest ideas which are at variance with sound theology, or with received ecclesiastical usage, must not be taken. Some names have been refused, on these grounds by the Sacred Congregation.

For an Institute to take a name which is already the property of another Institute, would cause serious inconvenience. It might give rise to no small difficulty, when there is question of a legacy left to an Institute by name. There have been several cases of this sort before the Sacred Congregation in recent times.

There applies to the *names* of Institutes that which St Jerome said with regard to *places* consecrated by the life and death of Jesus Christ—It is not those that sanctify; and the blessing of God does not attach to the *name* of the Institute, but to the perfection with which the members of it follow the Evangelical Counsels.

The Rule of St Benedict begins with the Prologue—"Hear, O Son, the precepts of the Master."

The Rule of St Francis begins with a protestation of fidelity to the Roman Pontiff. Led by these examples, some Institutes have wished to preface their Constitutions with a prologue or preamble. The Sacred Con-

gregation, in order to draw a distinct line of demarcation between Religious Orders with *solemn vows*, and Institutes with *simple vows*, does not allow a prologue, or prelude, or preamble, or proem to the Constitutions of Institutes with *simple vows*.

The only kind of prologue, if indeed it can be so-called, that is allowed, is when an Institute in drawing up its Constitutions, places itself under the protection of one of the great Orders ; or at least adopts as a model one of the great Rules. This is to be the basis of its perfection, and to this it adds Constitutions.

The Constitutions, properly so-called, will then be preceded by the ancient Rule ; and this will be reproduced in its entirety. See *Battandier*, pp. 32-37.

A Scheme of Constitutions

The end of an Institute.—The *primary* and general end of every Institute whatsoever, which is common to all Congregations of simple vows, is—the sanctification of its members through observance of their three vows, and of their own Constitutions.

The *secondary* and special end, which is proper to every individual Institute, consists in those special works of charity towards God, or towards their neighbour, for the exercise of which the Institute itself has been formed.

These two ends are to be accurately distinguished, and clearly expressed, in temperate words, without exaggeration.

The secondary end is above all to be defined and circumscribed. It is not to embrace works which are too many in number, or with a discrepancy in the character of them. They are also not to be such as—although praiseworthy in themselves—are little becoming virgins dedicated to God.

After the Apostolic See has set hands to any Institute

it is not free to it to change its *secondary* end for another end, or to superadd other works of a different kind, by way of a new permanent and general scope of the Institute, without leave of the Sacred Congregation.

If the Institute wishes to venerate certain Saints in a peculiar way, or to celebrate certain feasts more than other feasts, all things must be excluded which savour of novelty, and are not received and approved by the Church. See *Normæ*, pp. 13, 14. Nos. 42-47.

An Institute is free to choose its own Patron Saints under whose protection it wishes to place its good works; and whom it desires to honour by means of special feasts. In so doing, however, it must conform itself with the Decree of the Holy Office, published on January 13, 1875. The Holy Office commanded that those writers are to be admonished who sharpen their wits over arguments which savour of novelty, and under an appearance of piety are endeavouring to promote, and this sometimes by means of printed magazines, unusual titles of worship. They are to be admonished that they should desist from their purpose, and that they should ponder the underlying peril of drawing away the faithful into error, and that even with regard to dogmas of the faith; and so lending a hand to the haters of religion, to detract from the purity of the faith, and of Catholic doctrine, and of true piety.

The Holy Office prescribes also to the local Bishops that, where any societies have been erected under titles of this kind, they should in condemning the titles, substitute another title of the number of those already approved in the Church; and that they should not suffer such societies to exist, unless all things are done in them in accordance with the regulations of law.

When an Institute adopts as its Patron Saints a number of Saints, it must place them in the liturgical order. This is that order which the Church follows in the Litanies of the Saints. In the Litanies, after

Jesus and Mary come the Holy Angels, St John the Baptist, St Joseph, the Patriarchs and the Prophets, the Apostles and the Evangelists, the Martyrs, the Confessors who were Pontiffs, the Confessors who were not Pontiffs, the Virgins, and the Holy Women. See *Battandier*, pp. 45, 46.

The members of an Institute.—All the members of an Institute constitute one category only, or are distributed into two categories, and not into more. If into two, there belong to the first category the principal functions of government, of direction, of instruction in religion, letters and arts, etc. The second category gives itself chiefly to domestic and manual works. The members of both classes ought to live under the same common discipline.

After profession, there is no passing from the first class to the second class; nor *vice versa*.

It is not permitted to Congregations with simple vows, to aggregate to themselves a third company which has the appearance of a *third order*. There is nothing, however, to hinder Congregations of men from addicting to themselves pious men, and Congregations of Sisters from addicting to themselves pious women, for the external business of the house, to whom they may prescribe a certain form of living, and to whom they may grant a participation of the merits of their Institute.

No Institute of religious, of *simple* vows, can aggregate to itself a similar Institute of Sisters, to depend from it, or to be directed by it.

It is not lawful for the members of any Institute to ascribe themselves to another Third Order.

Those members of an Institute to whom have been committed the greater functions therein have, for the sake of honour, precedence of the others in place.

If there are two classes of members, those will have precedence who belong to the first class.

Within the same class, the place of its members will

be arranged so that those will have respectively precedence who have been first admitted to the habit, or to profession. See *Normæ*, pp. 14, 15. Nos. 48-54.

An Institute is at bottom—and in accordance with the old conception of monastic life—a *family*. In the ancient orders there were, when they began, neither choir-brothers, nor lay-brothers. Every one worked equally for the common good, according to the measure of his individual capacity.

Later on, the monastic family came to be divided into two classes of members. There were those who occupied themselves chiefly in intellectual matters; and there were those whose employments were mainly in material life.

This division of the family began in the eleventh century. St John Gualbert was the first to admit lay-brothers in the Benedictine branch-house at Vallombrosa. These lay-brothers, as destined only for manual work, were distinguished from the other religious, whose principal duty was psalmody, and the Divine Office. Subsequent foundations adopted, in great measure, this observance.

At the present day, the majority of Congregations of women are composed of two classes of Sisters—Choir-sisters, and Lay-sisters. There are, however, some exceptions.

If an Institute is composed of only one class of members, no question can arise as regards the share of members in employments. All Sisters who fulfil the necessary conditions have equal right. If, on the other hand, the Institute is composed, as is most frequently the case, of two classes of Sisters, the difference of ordinary employments and the absence in lay-sisters of "active and passive voice"—that is to say, of the right of voting, and of being voted for, tends towards the creation of two Congregations within one Congregation. Little as this difference may be urged, there still remain

Sisters who serve, and Sisters who are served. There are few things which are more damaging to religious life, and to the oneness of all the members of one and the same religious family, than is this separation, if it should become too accentuated. Hence, in the drawing up of Constitutions, this difference is not, while leaving it intact, to be aggravated, so as that it should seem as if there were two Congregations under one name.

The difference between the two classes of members must at the same time form an impassable barrier, so that there can be no passing from the one state to the other state. It is a novelty and perilous, says the Sacred Congregation, to permit that lay-sisters should pass over to the state of choir-sisters; and it is absolutely at variance with common rules. The difference, however, must not be such as to cut one Congregation into two Congregations.

Some Institutes, nevertheless, not content with this division of one family into two branches, have wanted to make three classes, and some Institutes even four classes of Sisters.

Against this the Sacred Congregation has set its face, and has by its habitual practice restricted the division of the family to two classes of Sisters.

An Institute may group around it other pious women, to aid it in its works, and themselves to do good works with its assistance, and under its direction.

Institutes with *simple* vows have no power, however, to make these pious associations into Third Orders. The power of affiliating Third Orders is a right reserved to religious Orders with *solemn* vows; and who have already a Second Order. Any expressions in the Constitutions of Institutes with simple vows which may seem to savour of Third Orders mean merely simple affiliation or association.

It is only in that chapter of the Constitutions which treats of the works to which the Institute devotes itself

that any mention is permitted of the regulation of such associations.

The question was asked as to whether all, of both sexes, who are members of some Institute or Congregation, approved either by the Supreme Pontiff, or by the Bishop, in which vows are made, whether perpetual vows or temporary vows, can be ascribed to the Third Order of St Francis of Assisi? and the answer was in the negative.

The order of precedence in communities with simple vows, is as follows :—

The Superioress-General.
Her Assistants.
The General office-bearers.
The local superiors—following the order of seniority in their superiorships.
The perpetually professed Choir-Sisters — in the order of their profession.
The temporarily professed Choir-Sisters—in the order of their profession.
The perpetually professed lay-sisters; and the temporarily professed lay-sisters—in the order of their profession.
The Choir novices, and the lay-sister novices—in the order of their clothing.
The postulants—in the order of their admission.

If a Sister, after having made profession in an Institute, quits it to make profession in another Institute, and afterwards returns to her first Institute, she will take the place in it which her second entrance gives her. See *Battandier*, pp. 46-51.

Admission of aspirants to an Institute.—Lest the fit and the unfit should be mixed up together in an Institute, there will be laid down in the Constitution, the *conditions* required in those to be received. There

ought also to be expressed the *impediments* which hinder admission.

The conditions are—in the first place, a true vocation proceeding from a supernatural end—Baptism—Confirmation—good morals—freedom of state—sufficient health for bearing the burdens of the Institute.

Superiors, therefore, ought to demand from postulants, 1, a certificate of baptism; 2, a certificate of confirmation; 3, a testimonial to their good morals, given either by the episcopal curia, or by the parish-priest, or, if it cannot be otherwise managed, by other ecclesiastics; 4, testimony to their freedom of state; unless this should be otherwise apparent with certainty.

For all Institutes whatsoever of religious *men*, besides the qualifications required for women, and certain others, required by a Decree of the Sacred Congregation on the state of Regulars. *Romani Pontifices*, 25 January 1848. There ought also to be the evidence of Letters-testimonial both from their Ordinary of origin, and also from the Ordinary of the place in which the Postulant has been dwelling for more than a year since the completion of the fifteenth year of his age.

Although Superiors ought to fulfil all things which prudence demands in the grave affair of the admission of postulants, yet there is not to be expressed in the Constitutions the necessity of asking the consent of parents or guardians.

Two kinds of impediments are accurately to be distinguished. There are some impediments which are reserved to the Holy See. There are other impediments for which the Superioress-General with her counsellors has power of dispensation.

Without dispensation from the Holy See, there cannot be admitted into an Institute:

1. Persons who are illegitimate, and who have not been rightly legitimated.
2. Those who are bound in matrimony.

3. Those who are more than thirty years of age.
4. Those who are less than fifteen years of age.
5. Those who have made perpetual vows, or even temporary vows in another Institute so long as these vows endure.
6. Those who are burdened with debt, which they are unable to pay.
7. Those who are liable to give account, or who are entangled in other secular affairs, from which the Institute may fear lawsuits and trouble.
8. For Institutes of women—widows.

There is nothing to hinder this or that Institute in accordance with the special nature of its scope, from constituting for itself some other impediments to the reception of its postulants. As regards these, the Superioress-General with her counsellors has, for a just cause, power of dispensation. See *Normæ*, pp. 15, 16, Nos. 55-62.

Illegitimacy of birth, although it is not the fault of the postulant, might nevertheless, bring a slur on the Institute, and be a hindrance to the usefulness of a Sister. In the petition for dispensation it must be stated whether the case is simply that of an illegitimate daughter, or that of the offspring of adultery. In the latter case there must be stronger reasons for the dispensation.

The Sisters being regarded by the faithful as virgins consecrated to God, the presence among them of women who have lived the life of the world, would be an element of disturbance of established order, and of the ordinary conception of the community in the minds of the faithful. This community holds even when the widows are childless, and free from family entanglements.

That the postulant should have left one Institute to

seek entrance into another Institute does not argue great stability of spirit. Even apart from the prohibition of the Church, Superiors ought to give the matter very mature consideration, before admitting subjects whose past gives no guarantee for their future.

That the postulant should have been previously merely a *postulant* in another Institute does not suffice to constitute the impediment, she must have taken the habit, and so commenced her noviceship. The terms of the prohibition are precise, and are to be understood in their strict signification.

The case is different when a Sister, after having made profession in an Institute, leaves that Institute, and afterwards petitions for readmission. Her readmission is in no way forbidden by the rules of the Sacred Congregation.

In Institutes of *women*, there is both a *maximum* and a *minimum* limit of age for admission. Profession, both for men and for women, is forbidden by the Council of Trent, before *sixteen years of age complete*; and there is required by the same Council one full year of noviceship, after reception of the habit, and before profession.

Considering that women, over thirty years of age would find difficulty in bending and accommodating themselves to the exigencies of community life, and that after long contact with the world at a time of life when the passions are most lively, the Sacred Congregation has established the rule that they are not to be admitted as Sisters, without its express permission. This limit of age has been extended recently. In the first edition of Mgr. Battandier's *Guide Canonique*, it is given as twenty-five years of age.

The prohibition of the admission of postulants in debt applies not only to those who are burdened with more debts than they can pay; but also to those who

are under obligation to render accounts which might give occasion for legal proceedings. The good name of the Institute might be compromised in the eyes of many persons, if they saw religious in conflict before the tribunals.

Besides freedom or dispensation from these impediments—which the Holy See alone has power to grant—the postulant must be endowed with the necessary mental and moral qualifications. The certificate of her good life and morals should be from her parish priest, and not from her confessor.

Although good health is not necessary in order to a Sister's sanctification, yet without good health it will be difficult for her to render the services to her sisters and to her neighbours which the nature of the Institute demands. Sometimes, however, Superiors may admit a sickly postulant on the ground that the resources at her disposal will be sufficient compensation for the failure of her services. All employments, moreover, do not entail fatigue; and there are always in a community some means of utilising even an infirm sister.

Among maladies to be looked to by a Superior are those which are hereditary, such as madness. There are maladies which, although not now apparent, may be there in germ, and latent to declare themselves later on.

There is not to be demanded in the Constitutions, as a condition of admission, the possession of virtues which are the fruit of long practice of religious life, and which sisters will be happy if they possess in the last years of their lives.

Some Institutes would forbid the admission of those who have been servants in the world. For this prohibition Superiors may, in certain cases, have reason.

To insert it, however, in the Constitutions would be against all the rules of the Sacred Congregation. There is no respectable employment which is an obstacle to religious life. Absence of even rudimentary instruction is not a hindrance to entrance as a lay sister. God calls whom He wills; and education is not necessary to the practice of the evangelical counsels, and to the leading of a perfect life.

Even illiterate sisters ought, however, to have a certain amount of religious instruction. It will be well, therefore, to examine them at entrance as to what they know of religion. The basis of this examination will be a catechism of the Catholic religion; but not necessarily the Diocesan Catechism.

Some Institutes would include postulants who have been born in heresy, or whose near relations are heretics. They sometimes even say that they cannot receive them without the permission of the Holy See. To act with the utmost prudence in the admission of subjects who have only recently abjured heresy, is very wise; but to say that they require the permission of the Holy See is erroneous.

If a girl who asks admission into an Institute is under age, the Superior will act most wisely, especially in these days, in first procuring the consent of her parents or guardians, and that *in writing*. This precaution is not, however, to be inserted in the Constitutions. To insert it would give the idea that parents can lawfully oppose a religious vocation. It might seem as if between the call of God and the voice of parents, parents alone have right to be listened to.

Limitation of subjects to those of one nationality is not to have place in the Constitutions. See *Battandier*, pp. 52-61.

Postulants.—For the admission of postulants, there is

required and suffices the leave of the Superioress-General, or of the provincials in their provinces. The previous probation of girls who are aspirants which is called the *postulantship*, is more fittingly made in the house of the noviceship; in a place, however, which is separate from the novices, if this can be conveniently arranged.

With the assent of the Superioress-General, or of the provincial, the postulantship may sometimes be made in another house of the Institute, so long as there is dwelling there a notable number of Sisters, and discipline is religiously observed in accordance with the Constitutions, under the special care of an approved Sister.

The time of postulantship will endure not less than six months, and not more than a year.

The Superioress-General can, for a just cause, prolong this time a little in particular cases; but the prolongation will not exceed three months. See *Normæ*, p. 16. Nos. 63-65.

Postulantship is of modern institution. Of old when a subject petitioned for admission into an Institute, she was lodged for some days in the apartments usually reserved for guests. If, after seeing somewhat of religious observance, she remained firm in her resolution to enter, she was allowed to take the habit, and to enter on her canonical noviceship.

More recently, it has been judged wise to establish a postulantship — to be, as it were, a vestibule to the noviceship.

Persons who feel themselves to be called to a more perfect life may pass there some months in recollection, in retreat, and in more complete investigation of the obligations of the life in the Institute which they desire to enter.

Originally, the length of the postulantship was at the will of the Superioress-General. She was in the habit of prolonging it, as she thought necessary in order to a

better acquaintance with the dispositions of her subjects. From this disadvantages arose. Superiors sometimes left girls so long in the postulantship, and then sent them back to their families, when they were judged to be unfitted for the life in the community. To put a stop to the inconveniences arising from this practice, the Sacred Congregation fixed a *maximum* length, and a *minimum* length of time for stay on this first probation. At the end of this, the Superioress must either admit the postulant to the noviceship, or send her back to her family.

The Bishop has nothing whatever to do with the postulantship. His permission for entrance on it has not to be asked (see Sacred Congregation of Bishops and Regulars, March 14, 1841). The Bishop's intervention will be required at entrance on the noviceship, and before profession; but then alone. See *Battandier*, pp. 61-64.

The habit. — The material of the habit, its form, arrangement, and colour shall be such as become both religious dignity, gravity, and modesty, and also the virtue of poverty. There shall be an utter absence of golden ornaments, and even of silver ornaments; with the exception, perchance, of a small and simple cross, or medal of silver. In these ornaments, however, there will not be tolerated effigies or inscriptions which are novel or not approved by the Church. Silken vestures are not permitted, or ornaments of silk, or others which savour of vanity, or excite murmuring or derision.

The habit of members of the first class may be somewhat distinct from the habit of members of the second class; but not so distinct as that there should be two fundamentally different habits. For the Sisters, there will be also some distinction between the habit of the professed, and the habit of novices.

In the Constitutions the form of the external habit is to

be described with sufficient exactness, so that a judgment may be formed of it.

The form of the habit cannot be changed without the express leave of the Sacred Congregation, after the Institute has obtained from that Congregation its decree of praise, and has subjected its Constitutions to it for examination. See *Nor n.*, p. 17. Nos. 66-70.

The costume of an Institute should have for itself a chapter of the Constitutions. It ought to satisfy three conditions — that it has not been already taken by another congregation — that it is in conformity with religious poverty—and that there is nothing in it to excite ridicule, or that is not in accordance with modesty and religious gravity.

The costume ought to be described with exactness; showing for every part of it, the material and the colour. There must also be set forth the necessary variations in the habit for novices, or sisters of the white veil, and for lay-sisters; and the choir habit, if there is one.

The variations or modifications of the habit ought to be such that by the costume even of the lay-sisters, one can always tell, from its resemblance to that of the choir-sisters, that both choir-sisters and lay-sisters belong to the same Institute.

Since it is difficult for the Sacred Congregation to form a judgment from a simple description, as to whether the costume, as regards both form and colour, is such as is suitable for virgins consecrated to God, each Institute must send to Rome at least a design or drawing of it.

Some Institutes have, in place of this, sent a figure dressed exactly like the Sisters. This gives a better idea of the costume, both as a whole, and in its details.

The costume is identically the same for all the Sisters. The Superioress-General cannot appropriate to herself any particular insignia to denote her superiority. This privilege is granted to Abbesses alone. All other superioresses ought, both in the material and in the

accessories of their habit, to be in exact conformity with the least of their Sisters.

When the costume, as described in the Constitutions of an Institute, has received the approbation of the Holy See, along with its Decree of praise, it is not permitted to modify it without the express leave and authority of the Sacred Congregation.

In almost our own days, not only have true religious congregations grown up, to the great good of the Christian and civil commonwealth; but also various pious societies of the faithful have been formed to follow the evangelical counsels, and to do works of charity with greater freedom, from the exercise of which the religious families have been almost or wholly prevented, through the wickedness of the times. To determine the precise character of these societies, and the mind of the Holy See in granting to them its approbation, the Sacred Congregation of Bishops and Regulars, in a plenary assembly held in the Apostolic Palace of the Vatican, on 21st June 1889, decreed (*Ecclesia catholica*) that—When the Sacred Congregation *praises* or *approves* Institutes of this kind—(that is, Institutes which, besides Sisters living in community, have other Sisters, bound by simple vows, either temporary or perpetual, who live in their own houses, without exhibiting any external sign by which it may be known that they are members of some regular Institute; or Institutes, the members of which, even if they live in community do not exhibit any sign of the Institute, and strive rather to hide both the Institute itself, and the nature of it)—even under the express name of Congregations, it intends to *praise* or *approve* them not indeed as formal religious Orders with solemn vows, and not even as formal or true religious *Congregations with simple* vows, but only as *pious sodalities*, in which, besides other things that are wanting to the discipline of the Church at the present day, *religious profession*, properly so called, is not made;

while the vows, if any there be, are held to be *private vows*, and not *public vows* accepted by a legitimate superior, in name of the Church. 2. The Sacred Congregation *praises* or *approves* these sodalities under the *essential* condition that they are fully and perfectly known to their respective Ordinaries, and are in all things subject to their jurisdiction. 3. Let the members of these sodalities, although they do not wear any regular habit, take care that there should not be in themselves any care for the "putting on of apparel" (1 *St Peter* iii. 3) or anything to offend the eyes of any one, but that which becomes religious persons who "give promise of piety through good works" (1 *Tim.* ii. 10), and let them beware lest that which is hidden by prudence of the spirit should, through prudence of the flesh, degenerate into blameworthy dissimulation.

This Decree His Holiness (Leo XIII.) ratified and confirmed, and prescribed to be inserted in the *Statutes* of Institutes of this kind. See *Battandier*, pp 94, 95, 96, and 260, 261.

Novices, and the Noviceship.—Novices put on the habit of the Congregation in the house of the Noviceship. From the moment of reception of the habit the time prescribed in the Constitutions for noviceship begins to run.

In accordance with the various natures of Institutes, noviceship is sometimes protracted for two years. The space of one year—continuous and entire—is absolutely required for every Institute whatsoever, in order to validity of profession.

The year of noviceship, where there is one year only, ought to be wholly devoted, under the direction of the mistress of novices, to formation of spirit, to study of the Constitutions, to prayer, to instruction with regard to the vows and the virtues, to fitting exercises for the amendment of defects, for the curbing of the passions, and for the acquiring of virtues. Where-

fore, the novices ought not to be applied to the study of letters or of arts, nor to the external works of the Institute.

Where there are two years of noviceship, the first of those years ought to be taken up entirely as in the one year of noviceship aforesaid. In the second year of noviceship, however, but always under the direction and watchful care of the mistress of novices, they may give themselves with moderation to studies, or to the other works of the Institute. This will nevertheless be in the house of the noviceship, and not outside it, unless there are grave reasons to advise otherwise.

The time of noviceship laid down in the Constitutions cannot be diminished by Superiors. For a just cause, and with the deliberate vote of the Council-general, it may be prolonged in particular cases, but not for more than three months.

Novices ought to lead the entire time of noviceship in the house which has been approved for this by the Sacred Congregation.

Candidates, before they begin the noviceship through reception of the habit, are to make the spiritual exercises for ten days.

They will also make, in accordance with the prudent judgment of the Confessor, a general confession of the past life. They are not bound, however, to make manifest the state of their consciences to the mistress of novices, or to the superiors of the Institute; nor to render an account to them of their past lives; nor can they be induced to this (Decr. *Quemadmodum*). That which the Council of Trent (sess. XXV. cap. 17 de regul. et monial.) has laid down for *nuns* (*moniales*) is also extended to new Institutes of Sisters — viz. "A girl who wishes to take the habit, shall not take it, or afterwards make profession, before the Bishop or, if he is absent or hindered, his vicar, or someone deputed by them, has diligently explored the virgin's will, as to whether she has been forced or led, and as to whether

she knows what she is doing." (See Const. *Condita*, at the end of this volume, p. ii. N. 1.)

The Superioress is therefore bound to give notice to the Bishop a month before clothings and admissions of any to their first taking of vows.

Before a postulant is admitted to the noviceship, the prefect may agree with her, and with her parents or guardians, as to payment of the expenses for her food and clothing up to her profession.

Moneys, garments, furniture, and other things which the postulant brings with her, the prefect will make a diligent note of, and take care of, in order that all may be returned to the postulant herself, if she should leave the Institute without having made profession.

To safeguard the liberty, both of the candidate, and also of the Institute, acts of donation are not approved of, by which the Candidate transfers the ownership of her property to the Institute, before she has made her profession of vows.

During the time of noviceship, the novices are subject to the direction, correction, and watchful care of the mistress of novices. It is not allowed to them to dwell along with the professed, except in the choir, in the church, in processions, and in the refectory, for the sake of refreshment. It is not permitted to them to accompany professed Sisters when they go out of the house.

Besides the mistress of novices, and the sub-mistress, other professed Sisters are not lodged within the bounds of the noviceship. Much less are there enclosed within the same bounds professed Sisters who require correction of life, or who have to do penance for their faults.

To each of the novices is to be given at the outset of her probation an entire copy of the Constitutions of the Institute, in order that they may read them, and meditate on them, and explanations of them are to be given to them by the mistress, in order that they may more usefully follow them.

It is not necessary that the place of noviceship should be established in the principal house, in which the Superioress-General resides. It is sufficient, nay even wholly expedient, to designate for this a house which seems better adapted for the training of the novices.

The Institute is not restricted to having one house of noviceship only.

For the erection of a new house of noviceship, however, or for the transference of an already existing noviceship to another house, there is required the good pleasure of the Holy See. See *Normæ*, pp. 17-20. Nos. 71-90.

The year of noviceship is what is called the *canonical* year. It was fixed by the Council of Trent, and that under pain of nullity of profession. This canonical and legal term of noviceship cannot in any case be shortened except by the Sovereign Pontiff. When there are two years prescribed by the Constitutions, that part of it which is supplementary to the canonical noviceship cannot be shortened without leave of the Holy See.

Some Institutes prescribed a noviceship of eighteen months. The Sacred Congregation considered this noviceship as composed of two distinct parts. One part was the *canonical* noviceship of *one year*. At the end of this the novice was to make canonical profession, without however leaving the noviceship. The other part was a time of farther trial. This the *professed* novices made for their better formation in the works and spirit of the Institute, and under the same discipline as the novices.

If noviceship is interrupted even for a reasonable cause, such as health, a new year of noviceship has to be begun ; unless dispensation is obtained from the Holy See. Without dispensation, profession will be null and void. This the Sacred Congregation has declared in spite of an opinion of canonists that if the

noviceship has been interrupted *by the will of the Superior*, the interruption will not count, and the noviceship will run its course.

Noviceship must be made in the house of noviceship; and not elsewhere. The novices must live together in the noviceship, under the direction of the mistress of novices. They cannot be sent by the Superior to other houses of the Institute.

The novices cannot quit the noviceship, even to be employed in other houses on works of the Institute.

The ground of health is of no avail. If a novice, by reason of sickness, goes elsewhere, and on her return is resolved not to begin a new noviceship from the beginning, recourse must be had to the Holy See for dispensation.

General confession was prescribed by Clement VIII. at entrance on the noviceship, for postulantship did not then exist. It might be for timorous souls a source of scruple and agitation; and so the making, or not making of it, is left to the discretion of the confessor.

The Retreat of ten days is interpreted to mean eight full days, beginning on the evening of the first of the ten days, and ending on the morning of the tenth day.

Noviceship commences with the taking of the habit. This ought to be inserted in the Constitutions.

A certain community had once the idea of noviceship for a year, and of then giving the habit, if the novice should have proved satisfactory; and of her then making a second year of noviceship! Such an idea is contrary to law, and to all the practice of the Church. In law, to *take the habit* and to *begin noviceship* are one and the same thing. The two things are not only inseparable — they are identical. The practice of the Church is in this matter—universal.

At the end of her noviceship a Sister has *right* either to be admitted to profession, or to be sent back to her

family. It cannot be put into Constitutions that a Superioress *may* admit to profession. To admit to profession a novice who has given satisfaction in her noviceship is not only a matter of *equity*, but it is the natural effect of an implicit contract freely entered into between the Institute and the novice.

Prolongation of noviceship for any long time might be prejudicial to the interests of a novice on her return to the world; as standing in the way of her establishment there, or of her marriage.

In the case of a vocation still remaining doubtful, as regards dispositions and aptitude, the Sacred Congregation will permit a prolongation of three months. But for this it must be asked.

Novices cannot, during their noviceship, bind themselves by vows, unless privately, and with the counsel of the confessor alone; and then without any external adjuncts. See *Battandier*, pp. 64-77.

The dowry.—Every Institute of Sisters ought to fix beforehand the dowry to be paid—equal in amount for the choir-sisters; and also a dowry of less amount for the lay-sisters or coadjutors—but equal in amount for each of them.

The Superioress has no power to remit or to lessen the appointed dowry, without leave of the Sacred Congregation.

The appointed dowry must be made safe on solid security in favour of the Institute, before the candidate is clothed with the habit. The dowry is to be handed over to the Institute immediately before the profession.

The dowry, when delivered cannot be alienated. It ought to be properly, safely, and fruitfully invested.

If any Sister should quit the Institute, or be sent away, her dowry will be restored to her, but without its fruits. See *Normæ*, p. 20. Nos. 91-95.

Disposal of their goods by novices cannot be made

till the time of their profession. The freedom of the novice to stay or to go might otherwise be interfered with; and her right to her freedom must in all things be respected.

When the time for her profession, however, is near at hand, she must, in order that she may make her vow of poverty, dispose of her goods.

This she will do as she herself judges to be most fitting.

To safeguard her freedom, pressure ought not to be brought to bear upon her in any way, directly or indirectly.

There must not be put into Constitutions any words which might make a novice consider an absolute divesting of herself as desirable—that is, by her renouncing not only the *administration*, *usufruct*, and *use* of her goods, but also the *radical*, or *bare ownership* of her property.

It would be against the *freedom* of novices to engage them to give their goods, either in whole or in part, to the Institute.

In this delicate matter, Superiors ought to maintain the utmost reserve; and especially if they are consulted by the novices themselves as to the manner of their disposal of their property before profession.

A Sister has certainly the *right* to divest herself *entirely* of her property before profession; but it will be more in accordance with the mind of the Sacred Congregation, as it will also be more prudent, especially in these days, if she does not avail herself of this right.

A dowry for Sisters is wisely established in the Church, in order to secure the stability of convents. The dowry is not to be incorporated with other funds; nor is it to be expended on the buildings of the convent; or to serve to make a foundation, so long as the Sister is alive. The reason is because the Sister is still the

legal owner of her dowry; and she has the right to have her dowry restored to her, if she should leave the Institute. If the dowry were expended on the buildings of the convent, the Institute might sometimes be greatly embarrassed to find funds to replace it. If an Institute wishes to make use of a dowry to supply a pressing need, it must ask permission of the Sacred Congregation. This will in its wisdom take the necessary measures for the reimbursement of the dowry, in case of the departure or dismissal of the Sister.

It is impossible to determine the amount of dowry—whether for choir-sisters, or for lay-sisters—which ought to be fixed by the Constitutions of an Institute. The Sacred Congregation, while establishing the necessity of a dowry, has treated the fixing of the amount in various cases of Institutes with great latitude. It is impossible to argue from one Institute to another.

That the dowry cannot be remitted or lessened without the permission of the Holy See, is one of the points on which the Sacred Congregation is strict. It inserts this in Constitutions, when it observes omission of it in them.

The Sacred Congregation insists on its being itself the judge of exceptions. This is to prevent financial difficulties which might overtake an Institute from its being too easy in this matter. It does not grant dispensation until it is assured that the Institute will not have to suffer. It may grant indults for a certain number of cases; but of these it must afterwards have an account.

When dispensations become too frequent, the Sacred Congregation itself counsels the Institute to reduce the amount of dowry for all the Sisters, rather to receive novices without dowries.

Besides her dowry, a novice may bring other property with her to the convent, or Institute, which she enters. This property does not fall under the same law as does the dowry.

If the novice gives this property to the Institute there will be between her and the Institute a *donation* or *deed of gift*. A contract of donation—unlike a testament—is an act which is of its essence, irrevocable, from the moment of its acceptance by the other party. Hence, if the Sister should afterwards leave the Institute, she will carry away with her only her dowry, and not her extra dotal gifts. The return of these, which it is lawful for the Institute to expend, for instance, on buildings, might bring a convent to financial ruin. See *Battandier*, pp. 78-85.

The taking of vows.—Examination by the Bishop ought to precede the first Taking of Vows. The Prefect ought, therefore, to give notice to the Bishop in fitting time.

Before a novice makes profession, she ought to dispose of her temporal goods, as will be said on the vow of poverty. She will also make the spiritual exercises for ten days.

The formula of profession is to be inserted in Constitutions. In this formula, apart from all that is superfluous, it is to be simply and clearly said, that the Sister vows to God the three *simple* vows of poverty, chastity, and obedience, according to the Constitutions of the Institute, for a time or in perpetuity, as the case may be. The time is explicitly to be enunciated in the utterance of the formula, by saying—for a year—or, for three years—or, for ever.

The profession is to be said to be made *in the hands* of the Superioress, or of a Sister deputed by her for this—and accepting it in name of the Institute.

In new Institutes there is not admitted a fourth vow.

The three foresaid vows are made *for a year*, during a period of *three* years at least, and of *six* years at most.

After *three* years of *annual* vows, there may be made, if it so pleases the Institute, another *triennial* profession ;

so that the whole period of temporary vows should extend to six years at most.

When the time of temporary vows defined in the Constitutions has elapsed, the Sister is to be admitted to perpetual vows, if she is worthy. If not, she is to be dismissed from the Institute.

As soon as vows made for a certain time expire, they are without any delay to be renewed by each one, and publicly.

There is not admitted a secret renovation of vows; for of that there ought to be proof in the external forum. Wherefore, after every renovation of vows, such as is here spoken of, an act in testimony thereof will be written in an appointed book; and this will be signed by the Superioress, or by her delegate, and by her who has made the vows.

This *juridical* renovation of vows is to be distinguished from a renovation of vows which is made *of simple devotion*. The first ought to be made immediately, as soon as the time for which the vows were made expires. The other can be made even several times in the course of the year, on a day or days to be laid down at will in the Constitutions.

All that has been hitherto said concerning the taking of vows, avails for religious of both classes. See *Normæ*, pp. 20-22. Nos. 96-109.

The ceremonial at a profession, which is approved by the Sacred Congregation of Rites, is that—if the profession is made at Mass—the celebrant after his communion, and after recitation of the Confiteor, and other words accustomed to be said before the communion of the faithful, should, holding in his hand the Blessed Sacrament, turn towards the Sister who is kneeling, and she, with a clear voice, will recite the formula of her vows, and immediately thereafter receive the Holy Eucharist.

This is the approved ceremonial when the profession

is made at Mass; but it still remains permissible to make the profession, for instance in the Chapter-room.

The Ceremonial of Profession is for practice; but is not for insertion in Constitutions.

The formula of profession ought to be signed by the professed, and by two witnesses. It ought to be inscribed in the Register of Professions, which is preserved in the archives of the Institute.

Since profession creates *rights*, and is also a submission to *obligations*, there should always be within reach, authentic proof of the act of profession, and of its validity.

If a lay-sister is unable to write, she will with her own hand make the sign of the cross in presence of two witnesses who have been present at her profession, and who will attest her signature.

The text or formula of profession ought to be inserted entire in the Constitutions. It should be the same for both choir-sisters and lay-sisters. Both are children of one family. It ought not to be put in an appendix, but in the body of the Constitutions.

When the local Bishop comes to preside at a ceremony of profession, the act of profession is nevertheless to be made to the Superioress-General of the Institute, and *not to the Bishop*. The Superioress-General alone has power validly to accept the profession in name of her Institute.

From the formula of profession ought to be excluded all mention of a *fourth* vow, such as some Institutes have wished to add to the three ordinary vows. If the Holy See has in former times permitted Institutes of women to make more than three vows, this faculty is at the present day refused. Hence no mention can be made of a fourth vow in Constitutions, and in profession it is to be wholly omitted.

All vows which could possibly be made over and beyond the three ordinary vows—by which the professed gives to God her external goods, the goods of her body, and the goods of her soul—may be either reduced to one or other of these three categories; or, better, are already implicitly comprehended in her vow of obedience. This ecclesiastical discipline of the present day, however, in no way modifies the conditions of Institutes which have, previous to it, been approved *with four vows* by the Apostolic See.

In past times, some Institutes wished to have the *vow of stability*, usual in the Benedictine Order, but in a very different sense. This vow is, however, already comprehended in *perpetual* profession.

If an Institute desired, by means of such a vow, to fix a subject who has been bound simply by *temporary* vows, this would be going against the spirit of the Church, whose will it is to have *temporary* vows precisely for this reason that the Institute should not as yet be bound to the subject. It would, moreover, be usurping a privilege which belongs to Regulars.

Among Regulars, the *simple* vows, which are now a necessary prelude to their *solemn* vows are *perpetual* on the part of him who *makes* them, but *free* on the part of the Order which *receives* them. In Institutes of *simple* vows, the contract of profession is bi-lateral, or reciprocal. Both sides are bound.

A vow to devote oneself to the work of teaching cannot be inserted in Constitutions. It is sufficient for the members of the Institute to have had set before them as an end the teaching of the young, in accordance with the form expressed in the Constitutions.

The same is to be said of a vow to adopt orphans—or a vow to convert erring souls—or of a vow of *zeal*.

All the Sisters ought to be aiming at perfection, in virtue of their three vows; but they are not to make perfection the *object* of a vow—or even of an obligation

which is distinct from the other essential duties of religious life.

One vow there is, nevertheless, which is admitted. Christian perfection, such as is comprehended in observance of the three vows, does not of itself extend to *heroicity* of virtue. Consequently, this heroicity may be made the object of a special vow. It will be limited always, however, to some one determinate work; such as, for instance, the service of the plague-stricken.

There must be excluded from the formula of *simple* vows whatsoever might give the idea that they were *solemn* vows. The distinction between simple vows and solemn vows ought to be found even in the act of profession. The best means of securing this is to say—I make the three *simple* vows of poverty, chastity, and obedience.

These simple vows are *perpetual*; but they are *not irrevocable* on the part of the Institute which accepts them. The subject, once perpetually bound, has no power to *unbind* herself. The Institute has the *right*, under certain circumstances, to sever from itself one of its subjects. This is sometimes even its *duty*. There must not enter into the formula of profession any expressions which might seem to insinuate that this is not the case.

It is well to omit from the formula of profession all that is superfluous; and to limit the formula to that which is absolutely essential. The shorter, therefore, the formula is, so long as it is complete, the better will the formula be.

Profession will be either perpetual or temporary. Of old, the Church recognised only perpetual profession. Nowadays, the Church would have subjects dispose themselves for *perpetual* profession by means of pre-

vious *temporary* professions. These are, as it were, steps of a ladder by which they will at length arrive at perpetual profession. This method of profession is eminently wise.

In ancient times there were for women only strictly cloistered communities. There was not then, therefore, the same necessity for prolonged probation.

Moreover, Christian education was in those days more solid, and there was a more lively faith. At the present day, Sisters have to give themselves more to *external* works than heretofore. In the exercise of active life they not seldom encounter dangers from which they would have been free, if they had been protected by the grilles of a cloister. Difference of life has introduced a difference in the manner of profession.

When the ascending scale—by which a Sister is allowed gradually to make vows of longer duration, up to her perpetual vows—has once been established in an Institute, it must be rigorously observed. The Superioress has no power to dispense any one of her subjects, whether choir-sister or lay-sister, on the ground, for instance, that they are going to the Missions.

If a *temporarily* professed Sister is in danger of death, this circumstance will not authorise her making *perpetual* profession on her deathbed. The *temporary* profession is sufficient to enable the dying Sister to share in all the merits, graces, privileges, and spiritual favours of the Institute, equally with the other Sisters who have made perpetual profession.

There occurs here the same question as in the case of prolongation of unsatisfactory noviceship. To it the same answer must be given. The case is that of a Sister, who is not so full of faults as to be worthy of being sent away, while at the same time her conduct has not given sufficient guarantee for her stability. A Sister cannot be left for an indefinite time under tem-

porary vows. She has a *right* to be made a stable part of the family, into which she has entered for the sake of her personal sanctification.

Power to dispense, and consequently to prolong the period of temporary vows, does not belong to the Superioress-General. When permission for prolongation is given by the Sacred Congregation, it is always for a strictly determinate period. See *Battandier*, pp. 85-94.

The vows in general.—Three distinct chapters on the vows are to be inserted in Constitutions; one chapter for each vow. That there may not arise confusion with regard to the different force of obligation, the several chapters will be inscribed—*On the vow, and the virtue, of poverty—On the vow, and the virtue, of chastity*, etc. There will be accurately distinguished in each chapter between those things which properly constitute the obligations of the *vow*, and those things which relate to the *virtue* of the same name.

The three vows of poverty, of chastity, and of obedience, made in such Institutes—whether for a time, or in perpetuity—are reserved to the Holy See. Recourse is, therefore, to be had to the Sacred Congregation for dispensation of them. See the Constitution *Conditæ* at the end of this volume, p. ii. n. 2; and *Normæ*, p. 22. Nos. 110-112.

All things are to be cut out of Constitutions which belong rather to asceticism, or to moral theology than to *law*. This will hinder scruples, and the formation of a false conscience. This might lead to the commission of *formal* faults, even where there is not grave matter. The vows of poverty, chastity, and obedience are therefore to be explained with exactness, distinguishing in them between the *vow* and the *virtue*.

Dispensation of vows—whether perpetual vows, or temporary vows—is reserved to the Holy See.

The Bishop has, in his quality of Ordinary, power to dispense vows made by his *diocesan* subjects. Of such vows, five only are excepted. These are—vows of *perpetual* chastity—vows to *enter religion*: that is, in an Order with *solemn* profession—vows of the three pilgrimages, to Jerusalem, to Rome, and to St James of Compostella.

The Bishop has therefore power to dispense *temporary* vows of chastity—and *perpetual* vows of poverty, and of obedience, made by his subjects in his own *diocesan* establishments. If, however, these establishments come to Rome for approbation of their statutes, Rome reserves to itself dispensation of the vows made by them.

Dispensation ought to be asked even when the Institute sends away a subject *before the expiry* of her temporary vows. Her dismissal does not annul the profession which she has made. The two bonds are separable in *fact* and in law. Rome has always maintained this separation. The Sacred Congregation will indicate the procedure to be followed in such a case.

When a Sister leaves of her own accord, or when she has been dismissed by the Institute, and naturally by her own fault, it is on the Sister herself, and not on the Bishop, and not on the Superioress-General, that there is incumbent the obligation of asking for dispensation of her vows. The Institute has the *right* to hold itself entirely aloof. It may sometimes, and as a simple act of *charity*, assist the Sister in accomplishing the necessary formalities.

Reservation to the Holy See of dispensation extends not only to the three ordinary vows but also to a fourth vow of *perseverance*, if this vow has, by an acceptation, been admitted by the Sacred Congregation. See *Battandier*, pp. 96-102.

The vow, and the virtue, of poverty.—By a simple vow

of poverty Sisters renounce the *right of lawfully* disposing of any temporal thing whatsoever, without the leave of lawful Superiors. It is forbidden to Sisters to retain the *administration* by themselves of any of their goods. Wherefore they ought, before the first making of their vows, to dispose of the *use* and *usufruct* of the returns or fruits of their goods in the manner which best pleases them; and even, if by their own choice they should see fit, in favour of their Institute. They ought also before their first vows, to yield the administration of their goods to a person or persons well pleasing to them; and, if they freely wish, even to their own Institute, which has been forewarned and accepts this.

The surrender of administration, of use, and of usufruct will no longer have place in the event of their departure from the Institute. It may even be put as a condition that it will be at some time revocable. Revocation, however, and even change of those acts of surrender cannot be lawfully made, so long as their vows endure, without the leave of their Superioress-General.

Disposal of the use and usufruct, and designation of the foresaid administrator, can be made by deed, either public or private.

The professed retain the radical dominion of their goods. It is even forbidden to them to abdicate this radical dominion by deeds *inter vivos*, before profession of perpetual vows.

It is becoming, however, that all and every one should, before first making *temporary* vows, with absolute freedom dispose of their goods, both present and future *by testament*.

In order that Sisters professed in perpetuity should be able *lawfully* to despoil themselves of the radical dominion of all their goods, by deeds *inter vivos*, there is required the leave of the Apostolic See.

Professed Sisters require the leave of the Apostolic See, both for making and for altering a testament. In cases, however, which are really urgent, there suffices

the leave, either of the Ordinary, or of the Superioress-General, or even, if it is impossible otherwise to arrange it, of the local Superioress.

It is not forbidden to Sisters, to transact all those acts of ownership which are prescribed by the laws, with leave, however, of the Superioress-General; and, if the case is urgent, of the local Superioress.

Goods which have come to Sisters by any lawful title, after they have made their vows they ought, or they can respectively, dispose of in accordance with the rules heretofore laid down with regard to goods of which they were in possession before their first profession.

Of the dowry brought to the Institute Sisters cannot in any way dispose.

Whatever Sisters may acquire by their own industry or in view of the Institute, after they have made their vows, they cannot ascribe or reserve to themselves. All these things are adjudicated to the goods of the community, for the common advantage of the Institute or house.

All things in the Institute are said to be, and are, *common*, as regards furniture, food, and clothing. It is fitting, however, that for each there should be separately preserved, although in a common wardrobe, and distributed garments which are for strictly personal use.

The furniture which Sisters, with permission of their superiors, have in use, should be such as beseems poverty, and there should not be in it anything of the superfluous. Nothing, however, which is necessary for them, is to be refused to them. See *Normæ*, pp. 22-24. Nos. 113-128.

It is not principally *material* poverty that the Church has in view in the case of those who make profession of following the evangelical counsels. It is, above all, *poverty of spirit*. This is a detachment from riches, and from every kind of material property which has a money value. It is possible to be really poor, and very poor,

and to be at the same time nourishing an affection for, and an attachment to the little that one has. On the other hand, one may not be experiencing the material privations of poverty, and may be, nevertheless, at the same time, poor in spirit. This one is, if one is not possessing anything as his own property, and is being detached from every one of those things which he has permission to *use*.

The *essence* of the vow of poverty, therefore, is to deprive oneself of the *right* of free disposal of anything, whatsoever it may be.

In Institutes with *solemn* vows the detachment is complete and absolute, and without hope of recall. Institutes with *simple* vows have not this completeness of detachment. The Church permits to those professed in them retention of the radical dominion or bare ownership of their goods.

This bare ownership the Sisters have power to dispose of *by testament*; or, with the permission of the Superioress-General, *by deed of gift*.

A testament is of no avail till the death of the testator, and so Sisters do not need faculty, and are not obliged to ask permission of the Superioress-General. Permission is, on the other hand, necessary if a Sister wishes to dispose of her property by *deed of gift*, since this is an act of *ownership*, and it is operative in the *present*, and as soon as it is accepted.

A Sister can nominate in her act of renunciation several persons to have in succession the management of her property, in the event of the death of one or more of them. This obviates any necessity of recourse to Rome, when a previous administrator dies. The next in order of nomination succeeds in virtue of an act done at a moment when the Sister had still the power of disposing of her property.

If a Sister who is a member of an Institute for nursing

the sick in their own homes, receives some property from an invalid, this property in no way belongs to her. It cannot be applied for the increase of the amount of property of which she has the bare ownership. It is either the fruit of her labours, or it is at least acquired by occasion of her companionship. It is clear that if this Sister had not been sent by her Institute to nurse that invalid, she would not have received this property.

In order that the vow of poverty may be more religiously observed, it is ordained that the Superioress-General should with all maternal charity provide the Sisters with everything that is necessary for their food and clothing, both in health and in sickness. It is also enjoined on her, that she should be watchful that there is not anything of the superfluous in their garments, furniture, and generally in all that is for the use of the Sisters; and that all things should be in conformity with the state of poverty, of which they make profession.

These ordinances are for the guidance of Superioresses.

Some proposed Constitutions would go much further. They would prescribe, sometimes in the most minute details, what should be the furniture of the Sisters' cells, and forbid them to carry objects of gold or silver—although not seldom allowing them a watch—forbidding them also valuable books, and sometimes even gilt-edged books, and the like.

All these details are not, properly speaking, the object of Constitutions. Constitutions ought to occupy themselves only with that which is *constitutive* of the Institute, and with that which forms the matter of the vows.

Such prescriptions are more in place in a Custom-book.

If any Sister should transgress her vow of poverty—by receiving, keeping, or giving away without permission of the Superioress, anything however small its value—

she ought to be severely corrected. It will not, however, be a sufficient reason for sending her away. For that, she must be *incorrigible*.

A Sister is not bound *in virtue of her vow* of poverty, to give her *health* to the Institute. Her health has no relation to the temporal goods which she renounced, and by which she was enriched.

It does not follow from the vow of poverty that a Sister ought to make a gift of her goods to the Institute. The Church has wisely prescribed a *dowry*; but, when that has been paid, she has no wish that pressure should be put on the freedom of a Sister in the disposal of her goods.

The contract is completely independent of the vow of poverty. That is a *detachment*, and not a *donation*. The Church regulates detachment; but she does not prescribe donation. She, on the contrary, corrects Institutes which, confusing the two things, would transform the vow of poverty into a source of common revenue. See *Battandier*, pp. 102-107.

The vow, and the virtue, of chastity.—By the vow of chastity, a Sister in making profession binds herself to observance of celibacy; and moreover, binds herself by a new title—that is, by title of her vow—to abstaining from every act whatsoever which is opposed to chastity.

Fitting precautions for safeguarding chastity are laudably set forth in Constitutions, in general, but not with too great detail. Especially for Institutes which are more exposed to peril, by reason of their more frequent conversation with persons of the world of both sexes, towards whom they exercise the works of their ministry, there will be prudently laid down the means which seem to be necessary and opportune for guarding observance of the vow of chastity. See *Normæ*, pp. 24, 25. Nos. 129-131.

That by the vow of chastity, it is forbidden to marry, ought to be inserted in Constitutions. *Battandier*, p. 114.

The vow, and the virtue, of obedience.—By the vow of obedience a Sister undertakes the obligation of obeying the precept of a lawful Superior in those things which belong, directly or indirectly to the life of the Institute—that is, to observance of the vows and of the Constitutions.

It would not be said with exactness, that the Constitutions of an Institute are to be observed by *force of the vow*; so that a Sister should sin against *the vow of obedience*, whenever she acts contrary to some point of the Constitutions.

Of the virtue of obedience, a Sister is bound by the obligation of fulfilling the arrangements of the Constitutions and of Superiors.

A Sister is bound to obey *by force of the vow*, then only when a lawful Superior prescribes expressly *In virtue of holy obedience*, or *Under formal precept*, or with equivalent words, according to her Constitutions.

Superioresses will rarely, cautiously, and prudently prescribe *in virtue of holy obedience*; and only for a grave cause. It is expedient, moreover, that they impose a formal precept *in writing*, or, at least, in presence of two witnesses.

Local Superioresses, especially of small houses, are to abstain from imposing formal precepts. See *Norma*, p. 25. Nos. 132-137.

A clear distinction is to be made between those things which belong to the *virtue* of obedience, and those things which are *matter* of the *vow* of obedience; or, better, the *vow of the virtue* of obedience. The one is of precept, while the other is an end at which subjects ought to be aiming.

All ought to obey, both in deed, and in will, and in

understanding, so that all may feel, may will, and may execute the same thing, according as the Superioress has given her judgment. Nothing is done, however, contrary to the *vow* of obedience, except that which has been enjoined *by precept* of the Superior.

Constitutions, consequently, do not bind in virtue of the vow of obedience. To prescribe, or bind, "in virtue of your vows" differs from prescribing or binding "in virtue of holy obedience."

When a Superioress, wishing to bind a Sister to do or to refrain from doing something under pain of grievous sin, gives her a command, the Sister should not possibly have any doubt of the nature of the command, and that, if not carried out, it entails grievous sin. She gives it therefore in virtue of holy obedience.

So doing, the Superioress takes upon herself the complete responsibility of that which she imposes. The writing in which she gives it, remains the property of that Sister; and it may, under certain circumstances, prove her justification.

A prudent and experienced Superioress, who knows how to gain the hearts of Sisters, ought not to be often driven to have recourse to so extreme a remedy. It is in order to make the use of this remedy most rare, and a remedy to be used only in most grievous cases and after weighing the matter well before God, that the command is to be given *in writing*.

Obedience ought to be given not only to the Superioress, but also to all officials whomsoever, in matters belonging to their offices.

This obedience is given, not by reason of any commission or delegation of authority from the Superioress-General, but by reason simply of the authority with which officials are invested in virtue of their offices.

Exaggerations are always to be avoided. They serve

only to trouble consciences. Sisters will not always distinguish clearly between that which is purely of counsel, or of the *perfection* of the virtue, and that which is of the *essence* of the virtue. Certain expressions might lead them into error.

To say, for instance, that the Sisters ought to hear the voice of God Himself in the sound of the bell that summons them—that they ought to leave unfinished even a letter in a word which they have begun to write, and the like—are expressions which relate only to the *perfection* of the virtue of obedience.

Sisters might come to be persuaded that this prescription forms part of the vow, and that negligence in complying with it constitutes a venial sin.

In like manner, to say that in indifferent matters the Sisters cannot act without the permission or leave of the Superioress, is inexact, as regards both the *vow* and the virtue of obedience.

All comparisons also between what Our Lord did, and what the Sisters are doing, are to be avoided. Such comparisons nearly always tend towards making false consciences. See *Battandier*, pp. 108-111.

Confession and Communion. — Sisters will go to sacramental confession ordinarily once a week. With regard to ordinary confessors, extraordinary confessors, and supplementary confessors, there will be observed by Institutes of *Sisters*, the ordinances of the Constitution of Benedict XIV. *Pastoralis curæ*, 5 August 1748, and the decree of the Sacred Congregation of Bishops and Regulars *Quemadmodum*, 17 December 1890. This decree is extended also to religious laymen; otherwise the Constitution *Pastoralis curæ*.

For every house of Sisters there will be deputed one ordinary confessor only, who will receive the sacramental confessions of the whole community. Although it is lawful for the Superioress to ask the Bishop to depute such and such a confessor whom

she hopes will be more useful for her community, yet she must entirely acquiesce in the judgment and ordinance of the Bishop. It belongs to him both to designate priests for those communities *a sacris*, and to approve them for sermons. The Confessor deputed by the Bishop will remain in office for one period of three years only.

Besides the ordinary confessor there will be offered by the Bishop another and extraordinary confessor, twice, or three times, or oftener in the year. To him all the Sisters ought to present themselves. They are not, however, bound to confess to him.

Besides the extraordinary Confessor, the Sisters can sometimes obtain a special Confessor, of whose counsel and aid they, for just causes, think themselves to stand in need.

Benedict XIV. strenuously admonishes Bishops that they should not show themselves difficult to individual Sisters who sometimes beg for an extraordinary confessor. They ought rather, unless the qualities either of the Sister who asks, or of the confessor who is asked for, advise otherwise, to endeavour to comply with their just petitions. They will in this be following the example of St Francis of Sales, who was not only wont to depute an extraordinary confessor for his Nuns of the Visitation B.O.M. four times in the year—namely, in every Ember week; but also left a recommendation to the respective Superiors that for individual nuns who —not from lightness of mind, or from a singularity of indiscreet affection—specially asked for an extraordinary confessor, they should not show themselves difficult in granting it.

As often, therefore, as a Sister, "for the quiet of her soul, and her further progress in the way of God" (Benedict XIV.), or in order that she may in whatsoever way "consult for her own conscience," shall ask for an extraordinary confessor, the Superioress will not refuse this to her. "She will not in any way inquire the

reason of her petition, or show that she takes it ill."

Where Bishops, in accordance with the monition of the decree *Quemadmodum*, have designated for this "fit priests furnished with faculties," the Superioress can have recourse to any one of these, without its being necessary for her to go to the Bishop.

To Sisters who are in danger of death, the Superioress will further and spontaneously offer an extraordinary confessor, or grant him who has been asked for by her.

As often as the Sisters make their confession in some public Church, they can confess to any priest whomsoever, who has been approved by the Bishop.

In the Constitutions the days may be determined on which all the Sisters shall go together to Holy Communion; this, however, with moderation.

This determination of the days on which all will go to Holy Communion, has for individual Sisters the force of a *directive* standard, and not of a *law* prescribing to them, or restricting them strictly and under sin. Every Sister, therefore, in accordance with the prudent judgment of the Confessor, can sometimes not go to the eucharistic table on the days laid down for the community; or she can also go oftener. It is nevertheless much to be commended that every one should keep herself so disposed as not to omit the communions of the community.

After the form, and in terms of the decree *Quemadmodum*, leave to go to Holy Communion—and the same is to be said of prohibition—is given by the ordinary confessor, or by the extraordinary confessor alone. The Superioress has no authority to interfere in this matter. It is sufficient that those who obtain from the confessor leave for more frequent communion, inform the Superioress of this.

To all the Sisters a fitting space of time will be granted both for preparation for Holy Communion,

and for thanksgiving after receiving the Eucharist. See *Normæ*, pp. 26-28. Nos. 138-153.

The Sisters — postulants, novices, and professed sisters—will, as a rule, go to confession at least once a week.

Although confession every fifteen days is sufficient for gaining the Indulgences which may occur in the interval between two confessions; yet it is not the gaining of indulgences that the Sacred Congregation looks to, but the fact that persons who are making profession of a more perfect life ought to avail themselves of one of the most powerful means of advancing rapidly in their progress towards perfection.

The Confessor cannot be confirmed in his ministry for a second three years without the permission of the Holy See. This is to be inserted in Constitutions.

The continuance of a confessor for more than three years without dispensation from the Holy See, to whom it exclusively belongs to grant it, does not involve the *nullity* of his sacramental absolutions. It is, however, an *unlawful* exercise by the confessor of his ministry.

The obligation of a triennial change of confessors extends not only to convents of nuns, but also to all houses of women who are living together after the manner of a community; even if they are not bound by vows. To incur this obligation, however, the community must already have an ordinary confessor delegated for it by the local Bishop.

The ordinary confessor has no power to dispense the Sisters from the fasts of the Church. He can always, however, *interpret* for them the law, and declare that in view of the circumstances, the law does not bind in a particular case.

On the other hand, it is better that the ordinary confessor, and not the Superioress, should have faculty

to dispense a Sister from recitation of the Office; and that the ordinary confessor should have the choice of ascetical books for the Spiritual Reading.

The confessor ought not to intermeddle with the temporal administration of the Institute. Consultation of the Bishop is not to be inserted in Constitutions. It is to be left to the prudence of the Superioress-General.

On the other hand, the Superioress has no power to impose her direction on the confessor. She ought not to give him her advice about extraordinary penances to be laid on the Sisters, neither should she counsel him to strike fear into the consciences of postulants who do not make manifest impediments to their reception. The confessor has for his rule his own prudence, and the laws of the Church.

The ordinary confessor ought not to interfere with the ministry of the extraordinary confessor. He is not, under pretext of more complete direction, to seek to know what the Sisters have said to him. So to do would be contrary to, if not the sacramental, at least the liberty of the Sisters. Were it enjoined, there would be no need for the coming of extraordinary confessors.

When the confessor—like the doctor, or necessary workmen—has to enter parts of the convent which are not accessible to the public, he ought to be accompanied by two Sisters who have been designated for this by the Superioress.

Permission or prohibition of communion belongs solely to the ordinary confessor, or the extraordinary confessor. If, however, a Sister has, since her last sacramental confession, given public scandal to the community, or has committed some grievous and public fault, the

Superioress has power to forbid her going to communion until after she has been again to sacramental confession.

A Sister who has got from the confessor leave for frequent communion, or even for daily communion, ought to inform the Superioress of this. If the Superioress believes that she has just reasons to the contrary, she ought to make them known to the confessor—and then abide by his decision.

The Sacred Congregation declares the mind of the Church in approving Constitutions which fix the number of communions a week, or the set days for communion, as meaning that these statutes are *not prohibitive* of more frequent communion with the leave of the confessor; but *preceptive* to all the Sisters, that they should endeavour so to live as to be worthy of going to communion on at least these days. See *Battandier*, pp. 114-125.

Other exercises of piety to be performed in community. —All the Sisters shall daily give themselves to mental prayer; generally for half-an-hour in the morning, and for half-an-hour in the evening. They shall also daily give themselves to spiritual reading, for a fitting time, and in approved books.

They shall annually make spiritual exercises for at least eight days.

They are also to apply themselves devoutly to vocal prayer.

To the choir-sisters there is for the most part to be commended common recitation of the Little Office of the Blessed Virgin Mary, or of some part of the said Office. They are not, however, to be bound to this recitation under sin.

There is much commended also to every Sister daily recitation of a third part of the Rosary, either in common, or privately.

All the Sisters will, as far as possible, be present daily at the sacrifice of the Mass.

All will also daily examine their consciences. Care will, however, be taken that external exercises of piety, to be performed by the community, are not multiplied to excess. It is not lawful to introduce the public exercise of devotions which have not been approved by the Church.

Sisters will also remember that they have no power, without leave of the Apostolic See, to reserve the Sacrament of the Altar in their Churches. They cannot also solemnly expose it for public veneration without leave of the Ordinary. For the due performance of the daily pious exercises of the community, the Sisters of every grade assemble. The Superioress will not exempt from them coadjutor or lay-sisters, except in particular cases, in which just causes demand this.

To Sisters, whether choir-sisters or lay-sisters, who are detained by their offices at the time of common prayer, the Superioress will grant another fitting free time, when they can give themselves to pious reading and to prayer, especially to mental prayer. See *Normæ*, pp. 28, 29. Nos. 154-163.

It is a common custom for the choir-sisters of an Institute with *simple* vows, to recite daily, in place of the Canonical Office, or Breviary (to the recitation of which choir-sisters under *solemn* vows are bound) a shorter office. This is ordinarily the Office of Our Lady. It is to be found in the Roman Breviary, under the title of *Officium Parvum, B.M.V.* It is a practice which the Sacred Congregation commends. This Office ought to be recited always in the language of the Church—that is, in Latin. The Apostolic See is not wont to permit the recitation of it in the vernacular. Recitation of this Office, however, even if inserted in Constitutions, is not of obligation for the Sisters ; and with reason. In the first place, the Con-

stitutions from which this daily recitation would in that case spring, do not in themselves bind the Sisters under the pain of sin. Secondly, obligation to this recitation exists only for religious with *solemn* vows.

Formulas of prayer cannot find place in Constitutions. They do not belong to the inner organisation of the Institute. They might be modified without the Institute changing its nature. Moreover, the proposed formulas of prayer might not have been of the number already approved by the Church.

Pious exercises might be multiplied to the overburdening of the life of the community. The Sisters are praying without ceasing by means of their work. In every one of their acts, which is directed towards God by an act of theirs, either general, or particular, they are praying. They are thus verifying the words of the exhortation of St Paul to the Thessalonians: "Pray without ceasing."

Pious practices belong to the sphere of private devotion, under direction of the Confessor.

If a precept of adoration before the Blessed Sacrament exposed either publicly or privately, were inserted in Constitutions, it would follow that Rome had given faculty exposition of the Blessed Sacrament. This faculty belongs of right, and by law, to the diocesan Bishop.

Moreover, it could not be presumed that the Bishop would always grant this leave if he were asked to give it.

When the Angelus is recited, it ought to be at the beginning of the day—at midday—and at the end of the day.

It is not always so done in convents. The proper time is usually observed at midday. It is not always observed for the morning Angelus, and the evening Angelus. Sisters very often say the Angelus at the

end of the morning meditation. Again, they very often say the Angelus at a fixed hour in the evening, which is always the same, no matter at what hour the sun sets.

This practice is contrary to the usage of the Church. The Church will have the Angelus follow the course of the day. The one law for the faithful ought, with all the more reason, to be the law for persons who are living in community. The bell for the Angelus in a convent ought to be regulated by the bell for the Angelus in the parish-church. "The sound of the bell for the Angelic salutation ought to be in accordance with the common rite of the Church; and not at an hour prefixed for the whole year." (Sacred Congrega- of Bishops and Regulars. May 17, 1865.)

The Sisters will after communion give some time to thanksgiving. For this it is impossible to fix a determinate length of time. That should be given which is due to God, and which God wills that they should give to Him in their neighbours.

The Sisters ought to instruct themselves in Christian doctrine, and to take for this purpose a Catechism.

Constitutions will, however, refrain from recommending one catechism more than another.

It is sufficient to lay down that all belonging to the Institute ought to instruct themselves in the main heads of Christian doctrine, and to cultivate the rudiments of Catholic truth.

There will be no mention in Constitutions of books of piety, however good and useful some of these may be. The selection of books of piety is left to the confessor or to the Superioress. These will regulate this matter in accordance with their prudence; especially, with regard to pious books which contain either private revelations, or prophecies.

The Sisters are allowed to read the Gospels; but they must remember the rule of the Church against reading the Sacred Scriptures in the vulgar tongue without an accompanying commentary, or notes.

If an Institute has two classes of Sisters—choir-sisters and lay-sisters—the lay-sisters will find their rule of life in the Constitutions, both general and particular.

Since the lay-sisters have not only special employments, but themselves constitute a distinct class, there must, besides the regulations which belong to the whole Institute, and especially to the choir-sisters, be a separate chapter which treats of the obligations of lay-sisters.

There must always be kept in view the principle, that the lay-sisters form, along with the choir-sisters, one and the same Institute. The members of it are diversified only through the character of their employments, and occupations. They ought, consequently, to have the same regulations as the choir-sisters, where this is not prevented by the nature of their occupations. They will have the same time-table, but how often they will have to rise at an earlier hour, will depend on the judgment of the local Superioress.

The lay-sisters will be present at the same spiritual reading, the same meditation, and the same daily Mass as the choir-sisters. From these daily duties they cannot be dispensed, except in very extraordinary cases; and only in proportion to the measure of their occupations.

A slur must not be cast upon the lay-sisters who, lowly before the world, are not less precious before God than are the choir-sisters. See *Battandier*, pp. 126-133.

Mortification and penances.—In Constitutions of Institutes which profess the active life, there are sometimes found articles by which it is expressly declared that the Sisters do not exercise any act of external mortification

in the Institute. Such a declaration is not approved, and is to be expunged.

Since corporal penances, moderated in accordance with cases, greatly contribute towards fostering the religious spirit, and to the acquiring of habits of virtues, it is expedient that some mortifications should be discreetly prescribed in Constitutions besides those which the Church imposes on all the faithful.

In the private exercise of ordinary mortifications or corporal penances, the Sisters will be wholly ruled by the judgment of the confessor alone. For external and public penances they will, besides this, need the leave of the local Superioress.

If in any Institute there is in practice a *Chapter of faults*, this will not be held oftener than once a week, or more rarely than once a month. Accusation of faults is limited to external transgressions of the Constitutions. The penances to be imposed in a Chapter of faults are to be fitly moderated by the spirit of discretion. See *Normæ*, pp. 29, 30. Nos. 164-169.

The word *penance* has two meanings. Penance signifies the mortifications which a Sister does in order to subdue her own natural tendencies, or to expiate her own faults of which she is herself conscious. The word *penance* signifies also those punishments which the Superioress imposes on a Sister in order to repair a scandal given, or an infraction of the regulations.

Superioresses ought to content themselves with such penances as are in general use in Institutes. Such are, for instance, to kneel with the arms extended as on a cross ; or, to kneel while eating in the refectory.

All sorts of penances are to be avoided which while excellent in themselves, now no longer belong to the use and wont of a country, or are not now in accord with the spirit of the people of a country. In old times, for example, monasteries had a prison for the taming of recalcitrant subjects ; or subjects who, after having

freely given themselves to God, would recover for themselves their freedom. This punishment has nowadays no place in Constitutions.

All punishments should be avoided that are in any way extraordinary. Punishments are not in themselves an *end*, but a *means* to aid the Sisters either in the correction of themselves, or in the expiation of their faults.

Besides these punishments—for this is the true name of such penances—there are penances which either the regulations impose on the Sister, or the Sister herself imposes. In these penances excess must be avoided. The Sister is not to be overcharged with prayers and penances to the detriment of her own health, or to disturbance of the good order of the house.

Corporal mortifications and penances are praiseworthy ; but they ought to be done in dependence on the confessor, who is the sole judge of the fitness of them.

If penances are to be done in public, then, inasmuch as external order depends on the Superioress, her permission for them is necessary.

Hence there ought to be inserted in Constitutions—that the Sisters cannot do *public* penances without the permission of the local Superioress. The permission of the confessor for *private* penances is sufficient.

The practice of corporal penance *with discretion* greatly contributes to cultivation of a spiritual interior, and towards the acquiring of habits of virtues.

The Chapter of faults is one of the most profitable exercises that can be practised in a community. There must, however, be discretion, both as to the number of the chapters, and as to the manner in which they are held. They ought neither to be too rare, nor too frequent. When they are held only sometimes in the course of the year, it is too seldom. When they are held oftener than once a week, this over-frequent repetition will be found injurious to the effect aimed at.

The self-accusation of faults in the chapter-room made to the Superioress ought to be restricted to external faults against the Constitutions. Advancement in virtues may be added as a subject; but it is not of obligation.

The practice of one Sister kneeling in the middle of the chapter-room, while the other Sisters are questioned, one after the other, by the Superioress, and mention the defects which they have observed in their companion, is an exercise of humility which is not encouraged, on account of the abuses of which it is easily liable. See *Battandier*, pp. 133, 134, 141.

Aids to discipline and spiritual life.—Institutes of simple vows have enclosure—not strict enclosure, but partial enclosure, to be determined in the Constitutions. This, however, requires at least that in all houses a certain part should be reserved for the Sisters themselves, into which no other is admitted. As often as the doctor, or the confessor, or workmen have to enter this part, two Sisters will accompany them.

It belongs to the Bishop to take care that this partial enclosure is rightly observed, and to repress whatsoever defect may creep into it.

The arrangement in Constitutions whereby professors of the male sex are admitted for instructing either the Sisters or their pupils in letters or arts is not approved.

Whenever the Sisters go outside the house, for whatever cause, they will have a companion who is designated for them by the Superioress.

Even those Sisters who, having obtained leave, go to the parlour destined for the reception of guests, will, for the most part, have a companion given to them by the Superioress. Without a companion they may sometimes, however, speak to their own parents, or to blood relations in the first degree.

At sunset the doors of the house are to be closed, and the keys delivered to the Superioress.

If the confessor, or the chaplain, dwells in the house of the Sisters, his dwelling will have a separate entrance, and will not have any communication with their dwelling.

Letters to be sent by Sisters, and letters sent to them, are to be delivered to the local Superiors. These may read them, at their discretion. This faculty they will use with the moderation of prudence and charity, and with observance of the secret.

From all inspection whatsoever of Superioresses are excepted letters to the Superioress-General, or to the Provincial, or to their counsellors or assistants, or to the Bishop, or to the Sacred Congregation of Bishops and Regulars; and letters from these to the Sisters.

Silence is prescribed to be diligently observed in the church, in the oratory, in the choir, and in the sacristy. It is ordinarily also to be observed in the refectory, at the time of common meals. A day silence will be laid down to be observed throughout the whole house; discreetly in accordance with the nature of the secondary and particular end of the Institute. There is especially to be observed a night silence from a designated hour of the evening until a designated hour in the morning.

During dinner and supper there will ordinarily be the reading from some pious book. See *Normæ*, pp. 30, 31. Nos. 170-182.

Enclosure comprehends what concerns the parlour—the going out of the convent by uncloistered religious—and going into convents. Sisters who are not subject to strict enclosure are nevertheless not free to go out of the convent at their own good pleasure. There must be a motive, either of charity, or of work to be done, or of due recreation, to justify their going out. It is lawful for a Sister to take a walk—always, however, with a

companion, designated by the Superioress—when she is living in a house which has not a common garden.

It savours of novelty to call *Episcopal* enclosure *semi-enclosure.*

The *portress* ought to have a separate article for herself in Constitutions. The office of the portress is one of the most important of the lower employments in a community. See *Battandier*, pp. 135-137.

Sick Sisters.—In all houses, in which it can be conveniently done, a part of them which is adapted for the purpose, will be reserved for the cure of the infirm. One or more Sisters, who excel in charity and aptitude will be designated to afford to the infirm all the care and services of which they stand in need. It will belong to them, along with the Superioress, to minister to the infirm all the necessary aliments and medicines. As soon as it seems necessary, the doctor will be called in, and all things done according to his prescriptions.

With no less care will spiritual aids also be furnished to the infirm. The confessor will be called in good time; and he whom the sick Sister, on being questioned, may prefer. He will be admitted as often as the infirm desire.

For the administration of holy communion they will acquiesce in the judgment of the confessor.

As the disease becomes grave, both the infirmarian and the Superioress will take care that the sacrament of Extreme Unction is administered also in due time to the sick Sister.

At the approach of death, the priest will be called who has charge of aiding the dying in accordance with the mode described in the Roman Ritual. See *Normæ*, p. 32. Nos. 183-189.

When a Sister is grievously sick, she is not bound by

the regulations which habitually determine the confessions and communions. The Superioress ought to ask her if she has a desire for a *special* confessor. This obligation of Superioresses has good right to be inserted in Constitutions.

Communion should be given to the dying Sister more frequently, and in accordance with the advice of the confessor; and without restricting her to the practice of the community.

These two things are distinct—reception of the sacraments—and spiritual assistance.

Spiritual assistance is the presence of a priest by the bedside to sustain, console, and encourage the dying person up to the last moment of life.

It is sufficient to insert in Constitutions this assistance as "in accordance with the Roman Ritual." The priest thus knows precisely what he has to do. It is inserted in Constitutions, lest it should be supposed that the function of assisting dying Sisters devolves upon, or is committed to, their Sisters. It ought to be given by the parish priest, since the Sisters are under his parochial jurisdiction. If special arrangements have been made between the parish priest and the community, these arrangements should be strictly kept to. See *Battandier*, pp. 143-146.

Suffrages for deceased Sisters.—There are to be determined in the Constitutions the suffrages to be offered on the death of Sisters for them by surviving Sisters; and principally the Masses to be celebrated for each of them. See *Normæ*, p. 32. Nos. 190, 191.

When a Sister dies, the obligations which the Institute has contracted with regard to her, are not thereby extinguished. The charity of the Institute will follow her to purgatory. The number of suffrages for her will be determined by her position in the Institute.

There ought also to be offered suffrages on the death of the Sovereign Pontiff—of the local Bishop—and of distinguished benefactors.

Since the Sacred Congregation has not determined the number of masses to be said on the death of a Sister, it seems simplest to follow the lead of the Roman Missal. In it there is mass on the day of death, or interment—mass on the third, on the seventh, and on the thirtieth day after death—and mass on the anniversary.

It would be hard on the Sisters, if the Institute were to fall beneath this minimum.

We find from one animadversion of the Sacred Congregation that at least seven masses should be offered by an Institute for a deceased local Superioress. See *Battandier*, pp. 146, 147.

Dismissal from the Institute.—The *right* of dismissing Sisters—whether novices or professed sisters—is with the superiors of the Institute. Those things, however, have to be observed whatsoever ought to be observed by the laws of the Institute, and by Pontifical decrees.

For the dismissal of a Sister with *temporary* vows there are required grave causes, approved by the majority of suffrages of the general council.

For the dismissal of a Sister of *perpetual* vows, graver external causes are demanded, along with *incorrigibility*, approved by secret suffrages of the general council.

Incorrigibility ought to be proved by experiment, so that hope of recovery vanishes ; and from continuous faults of the incorrigible Sister, damage is imminent to the Institute.

Further, for the dismissal of *perpetual* vows, there must be had the confirmation of the Sacred Congregation. Dismissal on the part of the Superioress-General with her council has no *juridical* effect before it is confirmed by the Sacred Congregation.

In whatever manner a Sister, bound by vows, departs

from the Institute, she must wait for dispensation of her vows; which either the Sister herself, or the Superioress-General in her name, ought to ask from the Sacred Congregation.

Only in the case of grave exterior scandal, with the approbation of the Bishop of the place, can a Sister be dismissed at once. Confirmation of her dismissal, and dispensation of her vows is, nevertheless, to be afterwards asked from the Sacred Congregation.

Infirm health is never held as a sufficient cause for the dismissal of a Sister professed of *perpetual* vows.

As regards a Sister professed of *temporary* vows, she ought not to be dismissed if she has contracted her infirmity in the Institute after making of her vows. She ought not even to be dismissed for infirm health under which she was labouring before making her vows, if the Superioress knowingly and willingly nevertheless admitted her to her first profession.

It will be otherwise if the Sister deceived the Superioress by maliciously hiding before profession the pre-existing disease. She will thereby be rendered unfit for bearing the burdens of the Institute.

To Sisters who depart, or are dismissed from the Institute, will be restored the entire dowry but without its fruits. There will also be restored the furniture which she brought to the Institute, in the state in which it then is. For every departing Sister, the Institute ought to provide those things which are required for her safe and becoming return home.

In Institutes of religious *men*, for the dismissal of novices, and professed of *temporary* vows, who are not established in sacred orders, they are to proceed as has been mentioned.

Whenever there is question of dismissing a subject who is professed of *perpetual* vows, or who is bound

by *temporary* vows, but is at the same time established in sacred orders, there is required grave fault, external and public, in which he is *incorrigible*.

In order that *incorrigibility* may be certain, Superiors ought to employ admonition and correction at three distinct times. If these admonitions do not produce a salutary effect, a process will be instructed against the incorrigible person.

Those things which are proved in this process against the delinquent, Superiors ought to communicate with him, and grant him a fitting time that he may be able to exhibit his defence, either by himself, or through another religious of his Institute.

If the accused does not present his own defence the Superior, or tribunal *ex officio*, ought to appoint for him a defender from his own Institute.

The defence having been carefully weighed, the Superior with his counsellors has power to pronounce sentence of dismissal. This, however, if the person condemned should rightly appeal within ten days from notification of the sentence to the Sacred Congregation of Bishops and Regulars, it will fail of its effect, until judgment has been given by the Sacred Congregation.

Whenever, for grave causes this method of procedure does not seem possible to be observed, Superiors will have recourse to the Sacred Congregation to obtain dispensation from the solemnities prescribed, and faculties to proceed in a summary manner.

Other matters which have regard to those who are so dismissed, or who have departed from their Institutes, are to be found in the Decree *Auctis admodum*, 4 November 1892, to be described in the end of the Constitutions. See *Normæ*, pp. 33-35. Nos. 192-201.

Sisters are properly said not to be *expelled*; but to be *dismissed* or sent away.

It is not every fault that is a sufficient reason for

sending a Sister away. Loquacity, for instance, is a defect, but loquacity by itself and apart from grave consequences, such as frequent disturbance of sisterly charity, will not be a sufficient cause.

In the case of Institutes of women, there are two points which are outside all controversy. One is that the Institute ought to prove the *incorrigibility* of the erring Sister, and by such means as are within its power. The other is that the sending of her away cannot take place until Rome, which ought always to be informed of the case, has pronounced its decision.

There is therefore this difference between Institutes of men and Institutes of women, that Institutes of men have power to pronounce a sentence which will be valid, if it is not appealed against within ten days. Institutes of women, on the other hand, do not possess the right to pronounce judgment. They ought to send to the Sacred Congregation the minutes of the meeting of the council of the Institute which requests the dismissal of the Sister. The Sacred Congregation reserves to itself investigation of the alleged fault—the proof of incorrigibility—and the pronouncing of the sentence.

This is the case even when the Sister is under only *temporary* vows, and the term of the profession which she has made has not yet arrived—that is, if her dismissal is to take place during the time that temporary profession has yet to run.

The Sacred Congregation leaves Superioresses-General free, as they may think fit, either to address themselves to the local Bishop, in order that he may communicate their complaint and petition to the Sacred Congregation, or themselves to forward the documents directly to Rome.

If the expiry of *temporary* vows can be waited for, refusal of permission to renew them will be equivalent to dismissal.

No obligation of duty falls on the Sacred Congregation

to grant dispensation of her vows to a Sister who is dismissed. It can refuse dispensation—or grant dispensation in part only. It can also surround dispensation with conditions and restrictions, as it sees fit.

Except in extraordinary cases, the Sister ought to remain in houses of the Institute up to the moment that the sentence of her dismissal arrives from Rome. If this sentence is accompanied by a dispensation from her vows, the affair is at an end. If otherwise the Sister is bound, in virtue of the sentence of dismissal by Rome, to quit the Institute, of which she is no longer a member. She remains, however, bound by her vows, so long as the Holy See has not given its decision on her request for dispensation. To avoid situations which might become embarrassing, the practice is for the procedure for *dismissal*, and the procedure for *dispensation* to go on side by side. See *Battandier*, pp. 147-153.

The Government, and the Structure of an Institute

Although every Bishop in his own diocese may constitute a commissary or deputy, either for every house of Sisters in particular, or for all the houses of Sisters together; the deputy is nevertheless not admitted as Superior-General of the whole of any Institute which has been approved, or which is to be approved, by the Apostolic See, and which is spread through several dioceses. There are, however, always excepted certain peculiar concessions expressly made by the Apostolic See, in times gone by.

Supreme authority over the whole Institute is exercised in an *ordinary way* by the Superioress-General; and in an *extraordinary* way by the General Chapter. The government, which is with Superiors, whether of

the whole sodality, or of individual families, and the norm of Constitutions, Bishops have no power to change or temper.

A General Chapter is to be convoked, whenever general elections have to be made. Of these convocations, one is *ordinary*. This has place on the lapse of the time laid down by Constitutions for the office of Superioress-General.

The other Convocation is *extraordinary*. This is that which becomes necessary on account of the death of the Superioress-General (or her resignation or deposition) during her term of office.

The duration of office of the supreme ruler will, for the most part, be either six or twelve years. An *ordinary* chapter, therefore, will have place every sixth or twelfth year.

In the Chapter, both the necessary elections will be transacted, and also the graver affairs of the whole Institute will be discussed.

A Chapter for solely discussing these affairs and midway between two *elective* chapters, is not admitted except in those Institutes, in which the elections have place every twelfth year.

For calling an *extraordinary* General Chapter for any other reason than the reasons indicated, there is required the leave of the Sacred Congregation.

The Convocation of the Chapter will be by means of a *circular letter*. This, if it is the case of an ordinary Chapter, the Superioress-General will write. If there is question of an *extraordinary* Chapter, her Vicaress will write it. It will be written *three* months before the beginning of the Chapter, if all the houses of the Institute are situated within Europe; and six months before the beginning of the Chapter, if there exist also houses outside Europe.

The place in which the General Chapter is to be celebrated, is to be designated by the Superioress-General, with the vote of her Council.

Sisters who have a voice in Chapters.—The members of a Chapter differ according as the Institute is divided into provinces, or has no provinces. In both cases, the Superioress-General—her counsellors—the secretary-general—and the æconome-general—will have both active and passive voice. It is to be noted that these sisters remain members of the assembled Chapter, even if, after the elections have been made, others have been put in place of them. There may also come, if the Constitutions so appoint, those Sisters who have previously held the office of Superioress-General.

In those Institutes which are not divided into provinces, those who have a voice in the Chapter are—all the Superioresses of houses in which are dwelling, as in family, at least twelve Sisters; and besides these Superioresses, one delegate from the vocals of such houses to be elected from among the Sisters of perpetual vows.

Sisters dwelling in lesser houses are united with the nearer houses, so as to make up the number of at least twelve. So united they elect one of the Superioresses of the said houses, and thereafter, another perpetually professed Sister to be delegated to the Chapter. If the two lesser houses are very distant from each other, then the vocal Sisters of one will go to the nearest greater house, and along with the Sisters, and, with equal active and passive right, have part in the election of a delegate.

All the Sisters, even those of *temporary* vows, have an *active* voice in this scrutiny for the election of a delegate. Sisters of *perpetual* vows alone have *passive* voice.

The election is made by secret suffrages; and by an absolute majority of suffrages. If in the first scrutiny, and in the second scrutiny, an *absolute* majority of the suffrages has not fallen on any one, then in the third scrutiny a *relative* majority of suffrages will be decisive.

If in this third scrutiny two Sisters obtain an equal number of suffrages, she who has made her vows before the other will be held to be elected.

The same will avail for other elections, whenever in the third scrutiny the suffrages are equal; except, however, the election of a Superioress-General. Of this we shall speak hereafter.

Furthermore, there shall be elected, in the same manner, another Sister, to be substituted for the delegate elected, if she perchance should be lawfully hindered from going to the Chapter.

If an Institute is divided into provinces, then it is not the Superioresses of the greater houses who, with an equal number of delegates, will go to the Chapter; but only the Provincials, with two delegates from every province. These delegates will be elected by the provincial chapter — that is, by the provincial — her counsellors—all the local Superioresses of houses which support twelve Sisters—and as many delegates to be elected by the Sisters of those houses, and of the foresaid lesser houses. These elections will be made in manner foresaid.

In the same way, two other Sisters will be elected to fill the places of the others in case of necessity.

For the validity of the acts of the General Chapter, at least two-thirds of the vocal Sisters must be present. See *Normæ*, 35-39. Nos. 202-223.

Without a General Chapter, the authority of the Superioress-General would remain without check. Affairs of weight might be transacted without the maturity which they demand; and there could not be renewal of the government. The General Chapter, ought, therefore, to be held at certain fixed periods determined in the Constitutions; and not left to the good pleasure of the Superioress-General.

A triennial general chapter is of the greatest service in enabling the Superioress-General to compile with greater exactness the narrative which she ought to present every three years to the Sacred Congregation. This cannot be done better than with the aid of the information furnished by a triennial general chapter.

The "vocal sisters" are those sisters who have active or passive votes. *Active* votes, if they have power to *vote* in elections; *passive* votes, if they are also capable of *being voted for.*

The General Chapter consists of two classes of persons—Chapter-sisters *by birthright*—and Chapter-sisters *by election.*

The Sacred Congregation will not leave either to the Superioress-General or to the General Chapter itself the power of granting active and passive voice. There would be thus left for them to fix the Sisters who were to form part of the assembly, and the Sisters who were eligible. The Sacred Congregation will not leave a matter of such importance to the arbitrary choice of either. It applies the principle of law that the *right* of *active* voice, and of *passive* voice, does not depend on the will of a Superior, or of a Chapter, but on the fulfilment of conditions determined with precision. It is a *right*, and in no way a *concession.*

The Sacred Congregation will have Institutes with *simple* vows follow, in this matter, the practice of the Regular Orders. In these "vocal sisters" have, by certain law, the right of *deliberative suffrage.* This depends on the offices which they are exercising; and on attainment of the years of profession prescribed by the Constitutions.

Local Superioresses are admitted to the General Chapter, but not all of them, as such; otherwise the number of members might increase beyond measure.

It is not the General Chapters that have most Chapter-sisters that produce always the best results. See *Battandier*, pp. 155-164.

Elections to be made in Chapter.—In the General Chapter of the Sisters, the Bishop of the place will preside over the elections, as delegate of the Apostolic See, either by himself, or by means of another priest deputed by him. Hence he is to be informed in good time of the Chapter to be celebrated.

If the Ordinary should take with him on this occasion one or more priests as his companions, these have in no way whatever any power to interfere in the acts of the Chapter.

In an *ordinary* Chapter, the Superioress who goes out of office, will exercise the functions of a vicaress until the new elections are rightly accomplished.

In the Chapter, before all else, are to be elected by, and from the vocals, two scrutators, and one secretary. The scrutators will collect in an urn the schedules of the electors, will count them before the president, and compare them with the number of the electors. If they correspond to the number, they will unfold them, and with a clear voice read them before all.

The secretary will faithfully reduce to writing all the acts of the Chapter, both of the elections, and of the businesses. All the businesses of the Chapter will be settled by secret suffrages. The elections cannot be made except by means of the schedules of the vocals present. If there is in the house an infirm vocal, who cannot come to the chapter-room, but is able, however, to write, the two scrutators will go to her, receive her closed schedule in the urn, and unite it with the others. See *Normæ*, pp. 39, 40. Nos. 224-230.

The General Chapter will last as long as is necessary for making the elections, and for discussion of the business which has been brought before it.

It will be opened with the celebration of a special mass. This mass, however, has no ritual privilege. Hence the mass of the Holy Ghost, to call down the blessing of God on the labours of the Chapter, cannot be said, unless the Rubric should so permit.

The Bishop of the place where the General Chapter is held, will preside at all the sittings, from the opening to the close, not in his own right, but as Delegate of the Apostolic See. He will so preside at all General Chapters, whether elective, or "of affairs."

This delegation of the local Bishop as Apostolic Delegate was to put a stop to a practice against which the Sacred Congregation had always reclaimed. When an Institute was founded in a Diocese, the Bishop of that Diocese was its natural protector. When the Institute extended itself into other dioceses, its tendency was still to lean on the Bishop of its original diocese. Hence the Sisters came to attribute to that Bishop, and outside his diocese, *rights* which belonged to him within the limits of his own diocese. The result was that the Bishop who had the Mother-house in his diocese, began to attribute to himself a jurisdiction over the entire Institute. This was to the prejudice of the other local Bishops. They found themselves subjected, as regards Sisters in their dioceses, to the authority of a Bishop of whom they were canonically independent.

The Apostolic See is not wont to approve of any Bishop being the Superior-General of Sisters who are located in different dioceses, with prejudice to the jurisdiction of other local Bishops.

The delegation of the Bishop of the place where a General Chapter is held, to preside at this Chapter, not as Bishop, but as Apostolic Delegate, has been ordained not merely to safeguard the rights of the Sacred Congregation over the Institute; but also, and above all, to put an end to conflicts of jurisdiction between the various local Bishops in whose dioceses

the Institute happens to exist. See *Battandier*, pp. 155-167.

Election and re-election of a Superioress-General.—There is first to be elected the Superioress-General. There can only be elected a Sister who is at least forty years of age, and who has made perpetual vows for at least five years. For electing her, there is required an *absolute* majority of suffrages—that is, a number which exceeds the half of all the suffrages.

If, in the first scrutiny, no Sister obtains such a number of suffrages, there will be made a second scrutiny; and if that also is in vain, a third scrutiny. If the third scrutiny does not obtain the desired effect, the election, *within Europe*, for this time, devolves on the Sacred Congregation; to which the acts of election made are faithfully put in writing, and sent immediately.

This done, the Chapter is suspended.

If the General Chapter is being celebrated *outside Europe*, after three scrutinies in vain, there is made a fourth scrutiny, in which only those two Sisters have *passive* voice who in the preceding (that is, the third) scrutiny obtained the greater part of the suffrages. If both were to obtain an equal number of suffrages, then she would be held as elected who had made her vows before the other.

If the Superioress-General, in accordance with the Constitutions, exercises her office for only *six* years, she can, on the lapse of her first six years be again elected for a second six years.

In order that she should be continuously elected for a third six years, she must obtain at least two out of three parts of all the suffrages, and there must be the confirmation of the Holy See.

If the supreme ruler, according to the Constitution, remains in office for *twelve* years, even for the first re-election, these two conditions are required—namely, two

third parts of all the suffrages, and confirmation by the Sacred Congregation.

The election rightly made, the President declares it lawful, and promulgates it.

The Sisters then do homage to the Superioress elected.

It is manifest that a Superioress re-elected and to be confirmed by the Sacred Congregation, cannot be put in office, and take possession of it, before she has obtained her confirmation. See *Normæ*, pp. 40, 41. Nos. 231-238.

The scrutiny-sisters, and the secretary of the Chapter, are not to be appointed because they are the two youngest Sisters, or because they are the two oldest Sisters among the Chapter-sisters. They are to be freely chosen in the General Chapter by secret votes. The names of the Sisters who have voted are never to be published. Otherwise the election will be null and void; as declared by the Council of Trent.

The Apostolic Delegate who presides, forms the third scrutineer, and takes the place of the third scrutiny-sister who was formerly, before his delegation, necessary in order to decide on any doubt which might arise with regard to the validity of a vote. If he does not, with his own hand, receive the voting papers, he opens them along with the two scrutiny-sisters; and he settles any controversy which may have arisen with regard to the validity of them.

The scrutiny-sisters will assist the President in counting and comparing the number of voting papers with the number of Chapter-sisters. The names of those who have obtained votes will, after having been read out with a clear and intelligible voice to the other Chapter-sisters, be taken down in writing by the secretary of the Chapter.

If the President should bring with him into the

Chapter-room any ecclesiastics or chaplains, these will not take any actual part in the procedure of the election. They will not take the place of the scrutiny-sisters, or share with them in their work. Their presence will be simply ornamental. Everything that relates to the election is to be done by the Sisters. See *Battandier*, pp. 167-177.

When Constitutions are silent, or when they expressly say that after *three* years, there is to be elected another abbess, or Superioress, the re-election of the same person to the office of abbess or Superioress needs confirmation by the Holy See.

Constitutions which permit re-election, and which have been approved by the Holy See since the Constitution of Gregory XIII., January 1, 1583, which commanded that the office of prioress should not last longer than *three* years, are to be observed in accordance with the tenor of them. *S. Congregation of Bishops and Regulars.* May 4, 1901.

Election of the Counsellors.—After the election of the Superioress-General, they proceed to the election, by means of distinct scrutinies, of the counsellor-sisters—of the general-secretary—and of the general æconome.

No Sister can be elected to these functions who is not at least thirty-five years of age, and has made perpetual vows.

For the office of general-secretary, one of the counsellors may be elected, so long as she is not the first counsellor. The mode in which they are elected is the same as that which is laid down for the election of a Superioress-General, with one sole difference. This is, that if neither in the first scrutiny, nor in the second scrutiny, there is obtained an *absolute* majority of suffrages, a *relative* majority will in the third scrutiny be decisive.

That one of the counsellors who is first elected will be the Vicaress of the Superioress-General. She will

take her place, whenever she is absent from the principal house, or is hindered, or in any way whatsoever fails of her office.

After the President of the Chapter has declared these elections to be lawfully made, and has promulgated them, his function will be ended.

The Sisters so elected will remain, every one in her own office, up to the next Chapter. She cannot be deposed, unless for a grave cause, and by the general council alone.

The deposition of the General Assistants ought, moreover, to be confirmed by the Holy See. See *Normæ*, pp. 41, 42. Nos. 239-245.

An *absolute* majority of votes is one half of all the votes, with the addition of one vote. A *relative* majority of votes means most votes. See *Battandier*, pp. 176-177.

Business to be transacted in the Chapter.—There are also discussed in the Chapter graver affairs which regard the whole Institute; especially those for transacting which the leave or confirmation of the Holy See is required. These affairs are fixed by an *absolute* majority of secret suffrages.

Such deliberations ought to be directed by the new Superioress-General. Wherefore, if a Sister has been elected, who was not then present in Chapter, she is at once to be called, and the business is to be delayed until she arrives.

If perchance also some of the elected counsellors, or the secretary, or the æconome recently elected, were not then present in Chapter, they are immediately to be invited, but the Chapter is not to be interrupted, or discussion of the business delayed till their coming.

Although a Chapter is not to be protracted beyond

a wholly necessary space of time; yet the stable limits of it are not to be fixed beforehand.

The Ordinances of a General Chapter remain in force until the next Chapter.

It is not lawful for a Chapter to modify Constitutions which have been approved by the Holy See; or authentically to interpret them, without confirmation of the same Holy See. See *Normæ*, pp. 42, 43. Nos. 246-251.

A commission of three Chapter-sisters is named to examine into what ought to be set before the General Chapter, and to furnish a report with regard to this, along with the documents and acts which concern it.

The decisions of the General Chapter have force of law, and have no need of the approbation of them by the Bishop who presides.

If the General Chapter should be persuaded that certain of the regulations of the Institute require modification, it is free to make its persuasion known to the Common Father of the Faithful. It is, however, the Pontifical authority alone that can grant any modification.

The Bishop who, in quality of Delegate of the Holy See, has presided over the General Chapter, has no mission to *approve* or *confirm*, in the strict sense of the word. Its decisions do not need the approbation of the Ordinary. They do not, however, become *irrevocable* without intervention of a decree of the Holy See.

The Institute ought to forward the Acts of a General Chapter to the Sovereign Pontiff, through the Sacred Congregation. The Acts must be countersigned, for authentication of them, by the presiding Bishop.

Provincial chapters are held in the same way as are General Chapters, so far as voting, and the discussion of affairs are concerned. The matters which are brought before them are less important matters, and

they are more limited in number; but the procedure is in both chapters the same. See *Battandier*, pp. 178-180.

The Superioress-General, once rightly elected, governs and administers the whole of the Institute committed to her, in accordance with the norms of the Constitutions. She, with her counsellors, will fix her residence in that house which is held to be best adapted for government. This house will be henceforth considered as the head or centre of the whole Institute. She cannot transfer her perpetual residence to another house, without leave of the Holy See.

She has the right, according to the norm of the Constitutions, of entrusting functions and administrations, both those which belong to the whole of the sodality, and those which are exercised in individual houses; and so the right of sending Sisters from one house to another house.

The Superioress-General will visit the whole of the Institute, every three years, or even oftener, if need be; either by herself, or by means of another Sister whom she has delegated for this purpose. If there is question of delegating a visitor for some Province, or house, or for some particular business, it will be in the power of the Superioress-General alone to designate her.

If a *general* visitor is to be deputed for the whole of the Institute, the Superioress-General, in designating her, will take a decisive vote of the Sisters who are her counsellors, if she wishes to choose her from outside of the Council itself. A Sister of *perpetual* vows ought, however, always to be chosen.

The Superioress-General, and she who takes her place in visiting the Institute, ought always to have another Sister as her companion.

"If anywhere are attached to the houses of sodalities, institutions to be taken charge of, such as houses for women, orphanages, convalescent houses, schools, asylums for the education of children; all things are

subject to Episcopal vigilance which concern the teaching of religion, propriety of morals, exercises of piety, and the administration of sacred things; privileges, however, remaining entire which have been attributed to Colleges, Schools, or institutions of the sort by the Apostolic See. . . . It is the right of the Bishops of each diocese to visit the temples, sanctuaries, public oratories, and confessionals, and lay down what is fitting, and give command concerning them." (See Constitution *Conditae* at the end of this volume.) In these matters therefore, the Superiors of the Institute will in no way interfere.

It also belongs to the Bishop, in the houses of his diocese, "to make inquiry whether discipline is in vigour, in accordance with the norm of the laws, and whether sound doctrine, and probity of morals has received any detriment, whether there is any sin against enclosure, whether the sacraments are received with fitting and stated frequency. If the Bishop should perchance stumble on anything which is blameworthy . . . he will admonish Superiors that they see to it, and if they neglect to do so, he will himself take counsel." (*Ibid.*) It belongs to Superiors, therefore, to give heed to the Bishop when he admonishes; saving always recourse to the Sacred Congregation of Bishops and Regulars, if perchance there is need.

As regards economic affairs, the Bishop will not take knowledge except as regards the administration of funds and legacies which are destined for divine worship or in aid of the inhabitants of the place, or diocese. (*Ibid.*)

Every three years the Superioress-General will make a relation to the Sacred Congregation of the disciplinary material, personal, and economic state of her Institute. This relation the Ordinary of the principal house will certify, by placing his name to it.

She will accurately watch over the administration of

temporal goods, as will be said by-and-by. She will not, however, directly interfere in the offices and functions, either of the general æconome, or of the superiors of houses.

If in any Institute there is given to the Superioress-General an admonitress, she ought to be of the number of Sisters who are counsellors. See *Normæ*, pp. 43-45. Nos. 252-261.

The Sacred Congregation has transferred into its practice the prescriptions of the Council of Trent with regard to the age of Superioresses in Regular Orders with *solemn* vows ; and applied them to the Superioress-General in communities with *simple* vows.

If the Chapter-sisters are persuaded that the interests of the Institute demand the nomination of a particular sister, and she is of less than the canonical age, it is the Sovereign Pontiff alone, and not the Bishop, who has power to grant dispensation. Exceptions granted in particular cases, and under special circumstances, leave the canonical rule intact.

The Sacred Congregation approves of the giving of an *admonitress* to the Superioress-General, when this is provided for in the Constitutions of an Institute. It does not, however, as a rule, impose an admonitress.

It is, fundamentally, the general council itself that is the true admonitor of the Superioress-General. The Sister-admonitress is simply an authorised channel for conveying the remonstrances and observations which the general council believes ought to be made.

It is not each Sister singly, or the Sisters individually, but the entire Institute, as a whole, that is subject to the government of the Superioress-General. It is not the General Chapter that gives her this power. It simply chooses, designates, and elects the Sister who, in accordance with the Constitutions of the Institute, will have this power.

Congregations under *simple* vows, and approved by Rome, being directly subject to the supervision and administration of the Holy See, the Sacred Congregation has an interest in being informed of all that passes, both spiritually and temporally.

The triennial report will relate the number of houses —and the number of the Sisters of the Institute—the observance of its Constitutions—and the disbursements and receipts in administration of its temporal goods.

This revision of the report by the Bishop is a measure of prudence. It permits to him—who has no authority as Ordinary over the Institute, *as such*—to make to the Sacred Congregation such remarks and observations as his prudence may suggest. See *Battandier*, pp. 180-187.

Things not lawful to the Superioress-General.—The Superioress of the whole Institute cannot be at the same time a local superioress, or a Provincial. She cannot give an authentic interpretation of the Constitutions; nor can she sanction additions, changes, or derogations. Even faculty of generally dispensing from the Constitutions does not belong to the Superioress-General. There is well granted to her, however, authority to exempt particular Sisters, for a time, from observance of some prescription of the Constitutions.

She cannot constitute for herself a *Vicaress*, at will, and delegate her faculties to her; since the Constitutions themselves lay down what Sister ought to take her place, and in what cases. Neither can she, at her will, grant to, or take from the Sisters active and passive voice; since, in the Constitutions themselves, it is to be determined what Sisters enjoy these *rights*. See *Normæ*, p. 45. Nos. 265-268.

If the Superioress-General were to allow herself, with the weight and burden of the supervision of the whole Institute on her shoulders, to be absorbed by the thousand and one details of a local superioress-ship, and

of so important a superioress-ship as is that of a Mother-house, she could not possibly give to the Institute, as a whole, all the attention and care which it has a right to demand. For the same reason, she cannot be a Provincial and have the immediate government of any province or house; nor can she be mistress of novices.

It is permitted to her, as she may see fit, to grant provisionally, and to individual subjects, relaxation of such and such articles of the Constitutions as do not touch on the *substance* of the vows. This power is a real power, and is not a mere benevolence on her part. Her dispensation is true dispensation, and is derived from her *dominative* authority over the whole Institute, and over each one of its members. This power is limited, nevertheless, as to time, to persons, and as to the matter to which it extends.

In particular cases of urgent necessity, it is permitted even to local superioresses to dispense for a reasonable cause, and for a short time.

The Superioress-General ought, in her relations with the Sisters, to observe all the points of the Constitutions which prescribe, before a decision, the deliberative vote of the general council of the Institute. This serves as a check on an authority which might otherwise become arbitrary.

The administration of the temporal goods of an Institute is devolved on an Econome or Procurator General. The Superioress-General ought to supervise her administration; but she ought not to take her place.

The administration of the various houses of the Institute ought to be reserved to the local authority of the house.

The Superioress-General cannot habitually delegate all her powers, and recall them at her pleasure. She

cannot nominate a vicaress to succeed her, and to govern the Institute till the election of her successor.

She can always, however, with the advice of her assistants, grant to a Sister temporary delegation of a power.

When the General Chapter has elected the counsellors, the Sister who has received the majority of votes is, in the opinion of the Chapter, the most worthy, after the Superioress-General, to govern the Institute. She is, of right and by law, the first assistant. If it were left to the Superioress-General to choose the first assistant either from outside the council, or from among those in the council who had not obtained the greatest number of votes, it might result in an opposition between the Superioress-General and the General Chapter. Rome will not consent to a practice which would be to the prejudice of the authority of the General Chapter.

The Superioress-General has power to remove Sisters from one house to another; but she cannot interfere in local administration. She cannot, for instance, appoint a Sister to a particular employment; and she cannot remove her from an employment in which she is already engaged. She fixes indeed the *personnel* of each house, but the manner of utilising it falls under the responsibility of the local Superioress.

The power of the Superioress-General is a power of general supervision; and the acts of superiority which she has power to do, of her own accord and apart from her council, are neither very numerous, nor are they very important.

A Superioress-General is not to be styled "lieutenant of God"—or, "vicaress of Christ"—or, "servant of the servants of Jesus Christ." Expressions must not be used which would seem to make her the quintessence of the Institute; or phrases which can be used only of the Sovereign Pontiff. It is not to be said that the

Superioress-General is the *head*, the *soul*, or the *bond* of the society—or that any member divided from her has no communion with the society, and does not participate in its prayers, or that she has her authority from Our Lord Jesus Christ, through communication thereof made to her by the Supreme Pontiff; or the like.

The Superioress-General is ordinarily addressed as "Mother," and not as "Most Reverend Mother"—a title which is reserved for Abbesses. The Sacred Congregation does not wish to place Abbesses and the Superioresses-General of communities with *simple* vows on the same level.

A Superioress-General, not having jurisdiction, in the strict sense of the term, and being incapable of power of Order, will not, on leaving a house, give her benediction to the Sisters assembled in the Church. See *Battandier*, pp. 194-200.

Deposition, and renunciation, of a Superioress-General.—If it should seem necessary to deprive a Superioress-General of her office and authority, the counsellor-sisters will carry the matter to the Sacred Congregation and submit to its decision. If she herself feels that she ought to abdicate the supreme office, she will place her reasons before the Sacred Congregation, to whom it will belong to admit her abdication, or otherwise. See *Normæ*, p. 46. Nos. 267, 270.

The general council must, before taking any step towards deposition, submit the case to the Holy See. To that See alone, and not even to a General Chapter, does it belong to give a decision. The Holy See is the one and only judge, and that even as a court of *first instance*, and not merely as a court of appeal. The assistants will therefore have direct recourse to the Sacred Congregation of Bishops and Regulars, and lay before it both the case, and the causes, as elements of its decision. See *Battandier*, pp. 200, 201.

The council of the Superioress-General.—The Sisters who are her counsellors in matters of greater moment have a *decisive* suffrage. Such matters are chiefly the following:—the erection of new houses—the suppression of existing houses—the erection of new noviceships, and the transference of existing noviceships from one place to another place—the erection of new provinces—the nomination of Sisters for the greater offices: viz. provincials, counsellors, local superiors, and mistresses of novices—the prorogation of the office of the Superior of a house, if this should seem necessary for a brief space, at the end of her three years — dismissal from the Institute either of a novice, or of a Sister who is bound by vows, whether temporary or perpetual—the deposition of a counsellor, or of a mistress of novices, or of a superioress, if this should seem to be necessary, for a grave cause—the designation of a general visitor who is not of the number of the counsellors, for the purpose of visiting the entire Institute—determination of the place for the General Chapter—the change or transference of the residence of the Superioress-General and her council —the substitution, up to the next chapter, of another Sister in place of a council-sister who is dead, or deposed, or perpetually hindered—covenants to be made in name of the Institute, and the approving of accounts rendered, as will be said later on—the contracting of debts—the alienation, and also the pledging, of immovable goods, and of precious movables.

It is to be noted that for the erection of new houses there is required the consent of the Ordinary; and that for the suppression of existing houses—the erection of new noviceships and the transference of existing noviceships, and the erection of new provinces, the change of the Superioress-General's residence, and the alienation or pledging of immovable goods and precious movables, there is demanded the approbation of the Sacred Congregation.

If in the discussion of such matters the secret suffrages

of the Sisters are equal on both sides, the suffrage of the Superioress-General will prevail, and end the matter.

It is otherwise in elections. Elections are never made except in full council. If one of the counsellors cannot have part in the making of an election, the superioress of the house will be called in her place; and if she too should fail, then one of the Sisters of perpetual vows of the house shall be elected by the counsellors.

It is expedient to lay down in the Constitutions that a certain number of convocations of the council are, as a rule, to be held in the course of the year. The Superioress, however, will convoke her council, whenever the affairs of the Institute demand it.

The proces verbal, and acts of councils will be put in writing by the general secretary. She, however, if she is not of the body of the council, will not have in it a suffrage. See *Normæ*, pp. 46-48. Nos. 271-275.

The general council has a *deliberative* voice on all the points which have been determined either by law, or by the Constitutions. Its voice is not simply *consultative*. It has a real part in administration. As sharing her responsibility, the council in so far relieves the Superioress-General.

The deliberations of the council fall under secrecy. See *Battandier*, p. 202.

Council-sisters ought to reside with the Superioress-General in the principal house. In case of necessity two of them can live outside that house, so long, however, as they can easily be present and intervene in the council, whenever there is need.

There are not to be committed to them other offices which would interfere with the exercise of their principal function.

That one of the council-sisters who was elected in the first place, will be the vicaress of the Superioress-

General, and will in all things take her place when she is dead, or removed, or absent, or hindered.

The function of the council-sisters is to lend counsel and aid to the Superioress-General, in governing and administering the whole of the Institute, as it is required of them by her; and also to give a *decisive* suffrage on the matters already mentioned; and to propose those things which may seem to them to be of consequence to the Institute.

The council-sisters will diligently observe the secret with regard to all matters which have been committed to their fidelity, whether in the council, or outside the council. If they should violate the secret, they will be seriously admonished, and if they should again and again fail in this, they will be punished, in proportion with the graveness of their fault, which will be measured by the adjuncts of things and persons. See *Normæ*, p. 48. Nos. 276-280.

There ought to be a summary of the transactions in the minutes drawn up by the secretary. These ought to record all the questions considered, the resolutions come to, and, when there has not been a secret scrutiny, the way in which the votes were taken. The minutes of every meeting ought afterwards to be signed by the Superioress-General, and by the secretary.

The action of the assistants is more *collective* than individual.

It will not be a violation of the secret to consult either the confessor, or the ecclesiastical deputy, to get from them light or counsel. See *Battandier*, p. 202.

It belongs to the general secretary diligently to store and preserve in the archives all the documents and acts which concern the history and administration of the Institute. It also belongs to her function, at the bidding

of the Superioress-General, and in her name, to put in writing the epistles and all the acts which regard the affairs of the Institute. See *Normæ*, pp. 48, 49. Nos. 281, 282.

If the general secretary is also a counsellor, she accumulates in herself both employments, and has a *deliberative* vote. If she has been taken from outside the council, on the nomination, whether of the council itself, or of the General Chapter, she will have only a *consultative* voice.

Her duties are less laid down by law, than indicated by the nature of her functions.

She ought to be thirty-five years of age, with five years of profession; as ought also the counsellors, and general officials. See *Battandier*, p. 211.

The Econome-General. — Of the goods which the Institute enjoys, some are possessed and administered by the whole Institute, some by the Provinces, and some by individual houses. All the goods, immovable and movable, of the whole Institute *as such* are administered by the Econome-general, with dependence on the Superioress-General and her council. Since therefore the Econome ought to execute the orders of the general council, and give it an account, she cannot herself be of the number of the council-sisters, lest she should be judge in her own cause. In all things, however, that concern administration, she will be called to the council, in order that she may furnish necessary documents, and fitting counsels.

In the house in which the Superioress-General resides there is to be, in a safe place, an ark or chest, closed with three different keys, of which the Superioress-General will have one, the first counsellor a second, and the Econome a third. In this chest will be preserved all the titles of the property, and the bonds which are equivalent to money, and represent it, or which give

right to receive certain fruits or returns; and also those sums of counted money, which are not required for ordinary or daily expenses. As often as this chest is to be opened and shut, the three Sisters to whom the keys have been committed shall come together, and no one of the depositaries shall ever give to another her key to be used, but shall rather delegate, in urgent necessity, another Sister, especially one of the counsellors, entrusting to her her own key to be as soon as possible restored.

The Econome-General will make an accurate note of all things which are placed in this chest and which are taken therefrom.

At the end of every six months she will give to the Superioress-General of the Institute, an account of the whole of her administration, exhibiting the books written by her. These shall be examined by the Superioress-General and by the council-sisters, and if, on comparing also with them the money and other things existing in the chest, they are found exactly to correspond they will be approved by the subscription of their names.

In precisely the same manner also in the provinces, if there are any, and in the individual houses, will the common goods be preserved and administered. The Superioress of the Province will, every six months, after she has, along with her counsellors, approved the administration of the provincial econome, in manner as aforesaid, inform the Superioress-General of the economic state of her Province and of its individual houses.

The Superioresses of houses will, every month, along with their counsellors, examine and approve the common chest, and the books written by the local econome, in the same way as at the end of every sixth month they render an account to the Provincial Superioress (or, where there are no provinces, to the Superioress-General).

Every house which has an abundance of resources will every year, from the money which is over at the

end of the year, after consolidating the accounts and deducting all expenses, deliver one third part to the provincial chest; and every province will in the same way deliver one third part of that which is over to the ark of the Institute.

The Superioress-General will, at the end of her term of office, render to the General Chapter an accurate account of her administration of the common goods during the time of her government, and of the economic state of the whole Institute. Tables of accounts will be drawn up by the Econome-general, and before the Chapter recognised by the general Council. There will be elected from the Chapter Sisters three who were not members of the Council; and to them it will belong to examine all things, and thereafter to report to the Chapter.

Neither the Superioress-General, nor the presidents of individual families or provinces, ought to render an account of their administration to the Bishop.

"Funds, however, which have been left by way of legacy to a certain house for the divine service, or for beneficence, to be spent on that place, the Superior of the house will, indeed, have the administration of these, but will report it to the Bishop, and will show herself wholly submissive to him; so, to wit, that it shall not be lawful, either to the Provost, or to the Superioress-General of the whole sodality, to hide any of these goods from the Bishop, or to withdraw them, or to turn them to other uses. Of such goods, therefore, the Bishop can examine the accounts of receipts and disbursements, as often as he sees fit; and he will take care that the principal is not lessened, and that the interest is not wrongly spent." (See the Constitution *Conditæ*, at the end of this volume.) See *Normæ*, pp. 49-51. Nos. 283-296.

The mistress of novices is elected by the Superioress-General and her counsellors. There will be chosen a

Sister who, both by word, and by example, is able happily to instruct the novices in the duties of their state. She must be at least five-and-thirty years of age, and must have made her vows at least ten years ago. The associate, who may be added to the mistress of novices, must have reached at least her thirtieth, and must have been bound by vows for five years.

The mistress of novices will not be burdened with any other offices or functions, which might hinder the care of government of the novices. She cannot, therefore, be a counsellor of the Superioress-General. As often, however, as there is question of the novices, or of the noviceship, in the council of the Superioress, the mistress will be called. She will open her mind on all such affairs, and supply due information.

Provinces.—As soon as an Institute is so spread abroad as that several noviceships are required, and government by one Superioress only becomes rather difficult, it will help to divide it into provinces. This division of the Institute into provinces, and also afterwards the erection of new provinces, cannot be carried out without the authority of the Holy See. It is convenient that each province should have its own particular noviceship. In this case, the admission of postulants to the habit, and of novices to make their vows, belongs to the *Provincial* with her counsellors. *Confirmation* of this admission is, however, to be sought from the Superioress-General.

The part of the province in the General Chapter and the administration of the goods of the province, have already been noted. See *Normæ*, p. 52. Nos. 301-304.

Provinces are, in imitation of the divisions of the Roman Empire, secondary autonomous governments. Each is provided with a noviceship—is governed by a Superior, who is called Provincial, with the aid of a

council—is controlled by a provincial chapter—and is supervised by the Superioress-General.

The Superioress of a province has, in view of that province, the same duties as has the Superioress-General in view of the whole Institute.

The provincial council has the same privileges as has the general council. In economic administration, it ought to follow on the same lines as does the Institute. Its administration is, in short, a reduced copy of the general administration of the Congregation, on a scale greater or less in accordance with the numerical importance of the Province. An Institute cannot be erected into Provinces without the permission of the Holy See. This necessity of recourse to the Holy See ought to be expressed in Constitutions.

If a Province is inconveniently large, it may be divided into two Provinces, with the authorisation of the Holy See. Subdivision of Provinces, however, into a sort of *dioceses*, or departments, or secondary groups, is a novelty; and it will not be approved.

The provincial chapter will assemble every three years. See *Battandier*, pp. 224-229.

New houses cannot be erected by the Superioress-General, except with the consent of the Council-sisters, and with the express assent of the Bishop.

That a house may be erected in missionary countries, there ought to be obtained the previous leave of the Sacred Congregation de Propagandâ Fide.

No house will be erected unless there can dwell and be supported in it a fitting number of Sisters.

For the erection of a new church, for the opening a public or semi-public oratory, for the saying of mass in domestic chapels, for the exposition to the public veneration of the faithful, of the Blessed Sacrament, and for the performance of solemn and public supplications, the Sisters ought always to have recourse to the Ordinary. (See the Constitution *Conditæ*, at the end of this volume.)

The Superiors of houses are instituted by the Superioress-General, with consent of her counsellors, *for three years*. On the lapse of these they may, for a grave cause, be in the same way confirmed for another three years: but not beyond that term, for the same house. During their office, they cannot be deposed; nor can they be transferred to another house, except for a grave cause, and with the *decisive* suffrage of the council-sisters.

No sister is to be made Superior of a house, who has not made *perpetual* vows.

The Superioress of every house enjoys that authority which the *Constitutions* attribute to her. Hence it is not to be said that she only *represents* the Superioress-General; or that her authority is *borrowed* for that house.

The goods of every house, whether immovable or movable, will be administered by the local econome, in manner as has been said. The Superior of the house will not fulfil the function of an econome.

The Superioress of a house is, in governing the community committed to her, aided by two counsellors, who are nominated by the Superioress-General (or, where there are provinces, by the Provincial).

The other functions and offices in a house are committed to the Sisters by the Superioress of the house, with her counsellors.

The Superioress of a house has power, in particular cases, to exempt certain Sisters from observance of an article of the Constitutions. See *Normæ*, p. 54. Nos. 305-316.

The powers of a local superior expire with the end of her three years. To avoid possible difficulties, it is wise to insert in Constitutions, that the Superioress for the time being will retain administration of her house until the arrival of the Sister who is to take her place, or until she has received her second nomination.

If this precaution is not taken, her powers will pass of right to the first local assistant.

A Superioress is nominated by an *authoritative* act, signified to the community which she is to govern. If she is elected for a second three years, this second election is also the result of an *authoritative* act, lawfully intimated to the community. She cannot be continued in her office by a sort of tacit consent of Superiors.

Not only can the Sisters take lawful exception to an absence of nomination, and refuse obedience; but certain important acts will be null and void.

The profession of a Sister, for instance, ought to be accepted by the Superioress of the house; and a former Superioress being, in default of actual nomination, and due promulgation, no longer lawfully authorised to accept profession in name of the Institute, the profession will be invalid.

Lawfully made by the subject, it has not been *lawfully accepted*; and consequently a *contract* does not exist.

Even if the administrators of local houses are not styled "Superioresses," they nevertheless are not simply delegates of the Superioress-General. They were elected to their office for a determinate period; and they are not removable at her will.

That a local Superioress ought to be taken from the professed of *perpetual* vows is evident on the face of it. It is not becoming that a Sister who is *temporarily* professed, and so is not attached to the Institute by a *stable* bond should have under her orders Sisters who have made perpetual profession.

It might happen that the council should refuse to a Superioress who is only *temporarily* professed, faculty to make definitive vows; and so might cut short her superiority, by breaking her religious bonds. A Sister who is temporarily professed is still *on trial*; and

although she may be admitted to inferior offices, superiority in no way befits her.

The local Superioress cannot be at the same time the local econome.

To her, along with her council, it belongs to designate the Sisters to be charged with the employments of her house.

In accordance with the adage — "Three make a chapter" —three Sisters at least are necessary for every new house. This number, however, is held by the Sacred Congregation of Bishops and Regulars, to be too small for the possibility of religious observance; and at least four Sisters must live together. Institutes ought to aim at an ordinary minimum of six professed Sisters in a convent.

Suppression of an existing house is equivalent to an *alienation*; and so falls under the canons which forbid alienation of ecclesiastical property. For this is required the permission of the Holy See. There is required also the leave of the local Bishop. The house was erected in virtue of a grant of his; and so his consent ought to be had for the annulling of a contract entered into between the Bishop and the Institute.

A Sister in the houses of an Institute with *simple* vows, approved by Rome, may be considered from two points of view; as she is simply one of the faithful—and as she is a member of an Institute. Under the first aspect, the Sister is amenable to the jurisdiction of the local Bishop; on the same ground, and to the same extent, as is any other person who is simply one of the faithful, with these she must equally preserve the purity of the faith—observe the laws of the Church, and the Apostolic Constitutions which regulate the life of a Christian—and receive the sacraments. The local

Bishop, therefore, can and ought, at his Visitation, to inquire into the purity of the faith of the Sisters of an Institute — supervise the books which they read — and ascertain if they observe the laws of the Church.

The Bishop alone has power *authoritatively* to grant dispensation from fasting and abstinence.

The Bishop alone delegates confessors, with powers, and with reservations of powers, as he sees fit.

It is the Bishop who selects preachers, and who grants permission for Exposition of the Blessed Sacrament, etc. In these respects, a Sister, although a member of an Institute, is subject to the Bishop, as are all other subjects of his diocese.

A Sister, however, considered as she forms part of an Institute approved by the Holy See, has contracted, in addition to her general duties as a Christian, other duties in view of her Institute. These particular duties are comprehended under the general term of—observance of the Constitutions. This does not fall under the Bishop's supervision.

If the Bishop, however, should come to know with certainty that there are grave shortcomings in observance of the Constitutions (and means of information are not wanting to him) he ought to inform the Sacred Congregation.

The same distinction is to be made with regard to the houses of an Institute. One part of these establishments is in dependence on the Bishop—that is to say, the Church, and the sacristy. Of these the Bishop is directed to make an exact visitation ; and he has power to give *authoritatively* all the prescriptions which he sees fit.

The other parts of the establishment concern not so much the life of a Christian, as the life of a person who is bound by special vows and who has been placed under the supervision of the Holy See. The Bishop

therefore ought to abstain from all interference in a department of which Rome has reserved to itself the direction and control.

An exception is, nevertheless, made in the case of the *cloister*, or enclosure. Of the enclosure the Bishop is the guardian in Institutes with *solemn* vows; and enclosure falls under his supervision in communities with *simple* vows.

The Superioress-General has power to visit all the houses, and all the establishments of the Institute, for maintenance of discipline and observance. She must, however, abstain from visiting (*canonically*, as it were) the Church, and its appurtenances; and from giving any orders which are contrary to the prescriptions of the Bishop.

The Superioress-General has power to remove the Sisters of one house to another house, without previously asking the permission of the Bishop. This is an exercise of her own *dominative* authority. She is, in so doing, in the exercise of *her own right*; and it is sufficient for her, and necessary only as becoming, to inform the Bishop of what she has done. See *Battandier*, pp. 187-200; 229-237.

The Sacristan and the Portress.—In distinct chapters of Constitutions will be explained the norms according to which Sisters, deputed to these minor offices, ought respectively to fulfil their functions. In the chapter On the duties of the Sacristan there will not be inserted matters which concern ceremonies or sacred rights; or those things which belong to a priest, but only those things which the Sister herself ought either to do, or to refrain from doing.

In the chapter On the Portress there is principally to be expressed that the Sister to whom this office is committed is bound to deliver the keys at nightfall to the Superioress of the house; and that she cannot

call any one of the Sisters to the parlour, without consent of the Superioress; or execute messages from the Sisters to extern persons, or from them to the Sisters, without the knowledge of the Superioress. See *Normæ*, p. 54. Nos. 317-319.

The Portress ought to have a separate article in Constitutions; although her duties are ordinarily treated of in the part reserved for the different offices of the Institute; such as the offices of the keeper of the linen, the sacristan, the refectorian, and the like. The doors of the convent ought to be closed after sunset. The keys of the enclosure and of the Church ought to be taken at bedtime to the local Superioress, to be kept by her during the night.

The office of portress is one of the most important of the lower employments in a community. See *Battandier*, pp. 136, 137.

Obligation of the Constitutions.—It is to be expressed in Constitutions that *per se* they do not bind under pain of sin. A Sister cannot, however, be excused from fault, who shall transgress the Constitutions *from contempt*, or in matter which is contrary either to the vows, or to the precepts of God or of the Church.

It is to be prescribed, therefore, that to every Sister and novice shall be given an entire copy of the Constitutions; and that these shall be read at times throughout the year in the public refectory. See *Normæ*, p. 54. Nos. 320-321.

Neither the rules, nor the Constitutions, in themselves bind under pain of sin, except in that which regards the matter of the vows, divine laws, or ecclesiastical laws; or when the transgression of them will cause grave scandal, or will amount to formal contempt. This test is justified by animadversions made in four cases of proposed Constitutions.

If, however, those failures from Constitutions are exempt from fault, they are not exempt from imperfection ; for the Sister has deviated from the perfection towards which she was tending in virtue of her vows. See *Battandier*, pp. 237, 238.

Modifications of the foregoing, as regards Institutes of *men with simple vows*.—Institutes of women require to be surrounded with more precautions than do Institutes of men. These, on the other hand, being frequently Institutes of *Clerics*, are subject to other obligations and duties as regards their Bishops.

The legitimacy of birth, for instance, which is required for all Institutes, is still more required for Institutes of Clerics, since illegitimacy of birth is an obstacle to Orders. Profession in an Institute with *simple* vows does not remove this obstacle. Its removal by means of religious profession is a privilege reserved exclusively to Religious Orders which have *solemn* vows.

The exclusion of *widows* does not extend to *widowers*.

The *minimum* limit of age at entrance is the same for both men and women. It is fifteen years, since neither men nor women can make profession before *sixteen* years of age complete ; and there must be for both at least *one year* of noviceship.

There is no *maximum* limit of age for men, as there is for women.

The Decree *Romani Pontifices*, 25 January 1848, is, along with the declarations of the same, published by the same Sacred Congregation, to be inserted, and in Latin, in the Constitutions of men who are in Sacred Orders. This Decree was promulgated by the Sacred Congregation, on the state of regulars, by authority of Pius IX., and is of obligation on all religious Institutes, whether with *solemn* vows, or with *simple* vows. It forbids any subject to be admitted without Letters-testimonial from his Bishop *of origin*, and from the Bishop of the place

where he has been residing for more than a year, since the end of his fifteenth year.

This Decree is of obligation not only for Institutes of Clerics, but also for Institutes of *laymen*; such as the Brothers of the Christian Schools.

It must be read at table in their refectory, every year on the first day of January, under pain of privation of office, and of active and passive voice, to be incurred *ipso facto* by the Superior who neglects it.

Letters-testimonial may be given by means of private letters. It will suffice if, without entering into details, the Bishop speaks in general of the qualities of the postulant, in accordance with the information at his disposal. If the Bishop says that he has no knowledge of the postulant, it is nevertheless possible for the postulant to be admitted, if the Superior endeavours to supply from other testimonies the information required; and if the postulant remains for at least three months in the convent, without taking the habit, and is there diligently proved. The Bishop has no power to refuse Letters-testimonial. If he should refuse them, recourse is to be had to the Sacred Congregation On the state of regulars.

Three things are requisite for the ordination of a subject—1. His presentation by him who has canonical authority. 2. A title for ordination, patrimonial or otherwise. 3. Acceptance of him, and of his title, by the ordaining prelate.

It is a privilege of the great Religious Orders to have the power of presenting their perpetually professed subjects for Holy Orders; and of giving to them Dimissorial Letters. It is also a privilege of theirs to replace the title of patrimony (which in their case, cannot exist) with the title of *poverty*.

They have also the privilege of applying for ordination to any Bishop in communion with the Apostolic See.

These privileges belong exclusively to Orders with

solemn vows. Institutes with *simple* vows remain subject to the Common Law.

The Bishop *of origin* must grant Dimissorial Letters; and the person to be ordained must provide himself with a patrimonial title.

The Bishop *of origin* may be said to *lend* his subject to an Institute with simple vows.

If the contract between the Institute and this subject should come to be broken, he will fall back under the direct jurisdiction of the Bishop *of origin*, from whom he had his Dimissorial Letters.

The Constitutions of Institutes of Clerics with *simple* vows must not contain anything which should seem to constitute for them a *privilege* with regard to Ordination. These Institutes have not this *by law*. They can petition for it, and may obtain it *by indult*.

Such indults contain grants which are not simply *favours*, but are also *temporary* favours. They are generally given for three years, or for five years. Since it is possible for the authority which has granted them to refuse a continuance of them, it is obvious that these favours cannot find place in the Constitutions of an Institute.

The *Indults* may have reference only to a right to grant Dimissorial Letters; and in that case they apply only to the perpetually professed, or to those of the professed who have made at least three years of *temporary* vows—supposing the Institute to demand a longer course under temporary vows before perpetual profession.

The Sacred Congregation is more ready to grant permission for anticipation of perpetual profession, than it is to grant permission for shortening the three years of probation.

The Indults may also regard replacing of patrimonial title, by the title of *common* table. To obtain this title, however, the Institute must prove to the Sacred Congregation that its resources are sufficient.

The presidence of the Bishop in General Chapters, either in person, or though a delegate, is not required in Congregations of men, as it is in Congregations of women. The General Chapter is presided over by the Superior-General (if it is not a chapter for elections); and, failing him, by the first assistant of the Institute.

The president ought to send the Acts of the Chapter to Rome for confirmation, if Rome should see fit to grant confirmation of them; or, if otherwise, for submission of them to the Holy See. Rome not seldom prefers to see modifications which have been introduced by the Chapter (and do not touch either the Constitutions, or points already submitted to pontifical approbation), tested by experience, before confirming them.

The Sacred Congregation does not allow, for Institutes of men, any more than for Institutes of women, superiority for life. If a Superior is elected for six years, the Chapter can re-elect him for a second six years, without being obliged to ask from Rome confirmation of the re-election.

It is bound, however, to ask confirmation for a third six years.

If, on the other hand, the Superior is elected for twelve years, he cannot be re-elected for another twelve years, without the authority of the Holy See.

When there is question of sending away a subject who has been perpetually professed of *simple* vows—or a subject who has been *temporarily* professed, but is in Holy Orders, this extreme measure cannot be proceeded to, unless the subject has committed a grievous fault, which was external and public, and is, moreover, himself incorrigible.

If the subject is not in Orders, and has been only *temporarily* professed, it does not follow that the Institute is free, during the permanence of his vow, to send him away at its pleasure. The Institute is only not

bound to observe, in his case, the solemnities of law. The cause of his expulsion must be just; but it is not necessary that it should be juridically proved.

In order to ascertain the *incorrigibility* of a subject, Superiors ought, at three several times, to administer to him admonition and correction. Incorrigibility which manifests itself only in repetition of acts, or in the permanence of an evil tendency which is the mainspring of the fault, must be officially proved.

The threefold admonition and correction by the Superior calls the attention of the subject to the faults which have been remarked in him. Since the admonition is the preamble to more grievous measures, it may contribute towards making him enter into himself.

If the three several admonitions should prove useless, Superiors ought to draw up a process against the delinquent. They will communicate to the accused the heads of this process. They will give him time to make his defence, either in person, or by means of another religious of the same Institute. If the accused should not present any defence, the Superior, or the tribunal will nominate for him an official defender.

Thereafter, the Superior with his Council may pronounce sentence of expulsion or dismissal.

This sentence will, however, be of no effect, if the accused should make his appeal to the Sacred Congregation of Bishops and Regulars; and until the Congregation shall have pronounced its definitive sentence.

For appeal there is granted to the accused a space of ten days, counting from the notification to him of the sentence. When this period has expired the accused is held to have abandoned his right of appeal. The sentence may then be executed without its being necessary to have recourse to the Sacred Congregation.

If, on the other hand, the accused has appealed during these ten days, the cause will go to the Sacred Congregation, and its decision must be waited for.

There is in this a difference between Congregations of men, and Congregations of women. Sentence of dismissal of a perpetually professed Sister is *not valid until* the Sacred Congregation has given its decision.

If, for any weighty reasons, these prescriptions cannot be observed, dispensation must in each case be asked for from the solemnities of law, along with faculty to proceed, *in a summary manner*, in accordance with the practice in vogue in the Sacred Congregation.

In this summary procedure, it is not necessary to have a formal act of accusation. The admonitions may also be made in any manner, even secretly, or by letter. It is enough to show that they have been made. The intervals of procedure are shortened. It suffices to produce proofs of the crime, or delict; and to prove that the accused should have had opportunity of defending himself.

Along with the permission for summary procedure, the Sacred Congregation will forward a note of the form that is essential.

From an Indult which has been granted to a particular Institute, there cannot be argued a general law for analogous cases. The Sacred Congregation has absolute dominion over its own "favours." These it grants in accordance with individual cases, and special circumstances.

When the Sacred Congregation authorises the dismissal of a subject, it does not thereby loose him from his vows. Canonists may have another opinion in theory, but in practice the usage and rule of the Sacred Congregation must absolutely be followed.

When Rome authorises the dismissal of a perpetually professed *Sister*, it ordinarily looses her from her vows of poverty and obedience, leaving her under her vow of

perpetual chastity. A man, on the other hand, who has been lawfully dismissed from an Institute with *simple* vows, must himself petition to be released from his vows.

When the person dismissed is in Holy Orders he must—since he cannot be an acephalous cleric, or cleric without a head—find a Bishop who is willing to receive him. Since a Bishop is not authorised by law to accept a subject without a title, patrimonial or otherwise, a title must be found. These two conditions are to be taken *cumulatively*, or found in union.

In the case of a subject who has been dismissed by his Institute, he remains suspended from the Orders which he has received, until the Holy See has provided for his case, and he has found a Bishop to receive him, and an ecclesiastical patrimony.

When a subject has of his own accord *asked* and *obtained* his release from his vows, his position is somewhat different.

He is bound not to leave the convent where he is living, until he has found a Bishop, and a patrimony. So long, however, as he remains in the convent, although he is no longer bound by vows, his situation is regular, and he does not incur any suspension. If he were to quit the convent, he would be *ipso facto* suspended from exercise of his Orders. See *Battandier*, pp. 239-257. (The decree *Auctis admodum* is to be inserted, and in Latin, in Constitutions of men who are in Sacred Orders.)

The decree *Quemadmodum*, 17 December 1890, is to be inserted, in the vernacular, in the Constitutions of all Institutes, both of women and of laymen.

The decree *Singulari*, 27 March 1896, is to be inserted, in the vernacular, in the Constitutions of all Institutes (even of men) who gather alms from door to door.

Among the latest legislation on the subject of this volume there is the Apostolic Constitution of Leo XIII., *Conditæ*, December 8, 1900, which gives regulations both for purely diocesan Institutes, and also for Institutes which have already obtained the commendation and approbation of the Holy See. At the risk of some repetition, it will be well, instead of merely extracting from this Constitution the law which is new, to give its provisions in full; inasmuch as they bring to a focus, as it were, the legislation on this subject, and so form a fitting close to our preceding considerations.

The Constitution *Conditæ* ordains that—

1. A Bishop shall not receive into the diocese any recently born sodality, until he has acquainted himself with its laws and Constitutions, and approved them and seen that they are not contrary to faith, or to morals, or to the Sacred Canons and Decrees of the Pontiffs, and that they are adapted to their appointed end.

2. No house of new sodalities will be founded with just right, except with the assent and approbation of the Bishop. The Bishop will not give his leave for its foundation, until he has made diligent inquiry of what sort they are who request it; whether their sentiments are right and proper, whether they are endowed with prudence, and whether they are principally led by zeal for the Divine Glory, and for their own and others' salvation.

3. The Bishop will, as far as may be, rather than create or approve a new sodality, more usefully suggest one of those already approved, which professes a similar mode of action. No sodalities almost, unless perhaps in missionary countries, will be approved which, without any certain end which is their own, embrace universally the exercise of all works of piety and beneficence whatsoever, even if they are wholly unconnected one with the other. The Bishops will not allow any sodality to be founded which is in want of the revenues necessary

for the support of the sodalists. It is with the utmost caution and with difficulty that they will approve sodalities which live on alms, and those also which are present day and night for the service of the sick in their homes. If any new sodality of women has in view the opening in their houses of convalescent homes, and the reception promiscuously of men and women, or similar houses for the reception of priests who when sick will be succoured by the care and labours of the Sisters, the Bishops will not approve of such proposals, unless with mature and severe counsel. Moreover, the Bishops will not permit houses of religious women where for a price is supplied board and lodging to men and women who come as pilgrims.

4. No diocesan sodality will pass over to other dioceses, except with the consent of both Bishops—the Bishop of the place from which they come, and the Bishop of the place to which they wish to migrate.

5. A diocesan sodality, if it should happen to reproduce itself in other dioceses, will not be allowed to change anything of its nature or laws, except with the consent of each of the Bishops in whose dioceses they have houses.

6. Sodalities, once approved, are not to be extinguished, except for grave causes, and with the consent of the Bishops in whose territory they are. It is lawful, however, to the Bishops, each in his own diocese, to take away individual houses.

7. Of girls who request the religious habit, and also of those who, having finished their probation, are about to make their vows, the Bishop will individually be informed; and it will belong to him to examine them *de more* and, if there is nothing to prevent it, to admit them.

8. The Bishop has the power of dismissing professed members of diocesan sodalities, remitting both their perpetual and their temporary vows, with one exception (at least on his own authority)—namely, that of perpetual

chastity. They are to beware, however, that by such remission the rights of others are not injured. This they would be, if that were done without the knowledge of Superiors, or if these were justly dissenting.

9. Superiors will, in right of the Constitutions, be elected by the Sisters; the Bishop, however, either in person, or through a delegate, presiding over the voting. This done, it will be open to him either to confirm it, or to rescind it, according to his conscience.

10. The Bishop has the right of visiting the houses of every diocesan sodality, and of making himself acquainted with the progress in virtues, the discipline, and the economic administration.

It is the office of the Bishops to designate priests for mass, confession, and sermons; and to take Order with regard to dispensation of the sacraments, for diocesan sodalities, equally as for others, as is explicitly defined in a chapter which follows.

There is another chapter of prescriptions with regard to sodalities of which the Apostolic See has either recognised the laws, or commended or approved the Institute. These are:—

1. That to accept candidates, to admit the same to the sacred habit, or to profession of their vows, belongs to the presidents of the sodalities; the faculty attributed by the Council of Trent to the Bishop, however, remaining in its entirety—that is, in the case of women, that he should examine them *ex officio* before receiving the habit, and before making profession. Similarly, it belongs to the presidents to regulate individual families, and to dismiss both novices and the professed; observing, however, all things whatsoever that ought to be observed in accordance with the laws of the Institute, and the Pontifical decrees. The assemblies or chapters, and the councils, have the right of appointing to offices and agencies, both to those which belong to the whole sodality, and to those which are exercised in individual

houses. In the assemblies of sodalities of women for the assignment of offices, the Bishop in whose diocese they are held will preside, either in person, or by means of another, as delegate of the Apostolic See.

2. It belongs to the Roman Pontiff alone to condone vows, whether temporary or perpetual. The right is not given to any Bishop of changing Constitutions which have been approved by the Apostolic See. It is also not lawful for Bishops to change or temper the government, which lies with Superiors, whether of the whole sodality or of its individual families, in accordance with the standard of the Constitutions.

3. It is the right of the Bishops, each in his own diocese, to permit, or to prohibit, new houses to be created of the sodalities, also new temples to be raised by them, oratories whether public or semi-public to be opened, mass to be said in domestic chapels, the Blessed Sacrament to be exposed for the public veneration of the faithful. Similarly, it belongs to the Bishops to appoint public solemnities and supplications.

4. In houses of such sodalities, if they have *Episcopal enclosure*, those rights remain entire to the Bishops which are attributed to them in this matter by the Pontifical laws.

If they have what they call *partial enclosure*, it will belong to the Bishop to take care that it is rightly observed, and to restrain whatever of evil may be creeping in to it.

5. The members of these sodalities, whether men or women, are subject to the power of the Bishop, as regards the *internal forum*. In the *external forum* they are subject to the same as regards censures, reservation of cases, relaxation of such vows as are not reserved to the Supreme Pontiff alone, the indiction of public prayers, and other dispensations and concessions which prelates in sacred things have power to impart to their faithful.

6. If any should ask to be promoted to Sacred Orders,

the Bishop will beware of initiating them, although living in the diocese, except on these conditions:—that each is proposed by his own Superiors—that the sanctions of sacred law with regard to Letters Dimissorial or Testimonial have been rightly complied with—that they are not without a *title* for sacred ordination, or are with certainty lawfully exempt therefrom—that they have applied themselves to the studies of theology in accordance with the Decree *Auctis admodum*. Nov. 4, 1892.

7. In sodalities which live by begging, let those rights remain to the Bishops which are contained in the Decree *Singulari quidem*, promulgated by the Sacred Congregation of Bishops and Regulars. March 27, 1896.

8. In those things which belong to spirituals, sodalities are subject to the Bishops of the dioceses in which they are living. To them, therefore, it will belong to designate priests for mass, and to approve them for sermons. If the sodalities are of women, the Bishop will designate priests for confessions, both ordinary and extraordinary in accordance with the Constitution of Benedict XIV., *Pastoralis curæ*, and the Decree *Quemadmodum* of the Sacred Congregation of Bishops and Regulars, Dec. 17, 1890, which Decree affects also societies of men who are not in Sacred Orders.

9. Of the goods which individual sodalities possess, the administration will be with the Superior-General, and the chief Superioress, and their Councils. The revenues of individual families ought to be administered by the presidents of each, in accordance with the laws of its Institute. Of these the Bishop cannot demand any account. If, however, funds have been attributed by way of legacy to a certain house, for the divine service, or the beneficence to be spent on that place, the Superior of the house will indeed have the administration of these, but will report it to the Bishop, and show herself wholly submissive to him; so, to wit, that it shall not

be lawful, either to the Provost, or to the Superioress-General of the whole sodality to hide any of those goods from the Bishop, or to withdraw them, or turn them to other uses. Of such goods, therefore, the Bishop can examine the accounts of receipts and disbursements, as often as he sees fit; and he will take care that the principal is not lessened, and that the interest is not wrongly spent.

10. If anywhere there are attached to houses of the sodalities, Institutions to be taken charge of, such as houses for women, orphanages, convalescent homes, schools, asylums for the education of children, all things are subject to Episcopal vigilance which concern the teaching of religion, propriety of morals, exercises of piety, and the administration of sacred things; those privileges, however, remaining entire which have been attributed to Colleges, Schools, or Institutions of the sort, by the Apostolic See.

11. In the houses of all sodalities whatsoever which make profession of *simple* vows, it is the right of the Bishops of each diocese to visit the temples, sanctuaries, public oratories, and Confessionals, and to lay down what is fitting, and to give orders concerning them. In sodalities of priests, the one president will take knowledge of matters of conscience, of discipline, and of economic affairs. In societies of women, and equally of men who abstain from the priesthood, it will belong to the Bishop to make inquiry whether discipline is in vigour in accordance with the standard of the laws, and whether sound doctrine, and probity of morals have received any detriment, whether there is any sin against enclosure, whether the sacraments are received with fitting and stated frequency. If the Bishop should perchance stumble on something which is blameworthy, let him not make a decree, but let him admonish Superiors that they see to it; and, if they neglect to do so, let him by himself take counsel. If there should, however, occur anything of greater

moment, which will not brook delay, let him make a decree at once, but carry the decree to the Sacred Congregation of Bishops and Regulars. Let the Bishop, on visitation especially, make use of his rights, which we have mentioned, as regards schools, asylums, and other institutions. As to economic affairs, in the case of sodalities of women, and of men who have no priesthood, let not the Bishop take knowledge except as regards the administration of funds or legacies which are destined for divine worship or in aid of the inhabitants of the place or diocese. By what we have heretofore said, We in no way will to derogate from faculties or privileges granted by Our decree, or by any other decree of the Apostolic See, confirmed by immemorial custom, or the custom of ages, or contained in the laws of any sodality that is approved by the Roman Pontiff.

THE END

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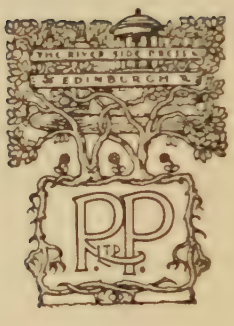
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